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REPORT OF THE MEMBERS

OF THE

FALLOW RULES COMMITTEE, SIND.

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Report of the Official Members of the Fallow Rules Committee.

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Report of the Official Members

OF THE

Fallow Rules Committee.

L(IV) 235.

(To be inserted in front of the Report of the Official Members of the Fallow Rules Committee.)

No. 27 of 1926.
Karachi, 31st May 1926.

From

W. F. HUDSON, Esquire, C.I.E., M.L.A.,
S. H. COVERNTON, Esquire, I.C.S.,
C. M. LANE, Esquire.

To

The Secretary to Government,
Revenue Department,
BOMBAY.

Subject:—Fallow Rules Committee.

Sir,

With reference to Government Press Note No. L. C. 1348-B., dated 24th August 1925 (Revenue Department), we have the honour to submit our report.

2. We regret that the Committee have been unable to arrive at unanimous conclusions. Our Non-Official Colleagues are submitting a separate report.

3. We desire to bring to the notice of Government the excellent work of Mr. Abdul Kadir Muhammad Hussain, who has proved himself a most competent Secretary and has spared no pains to assist us in every possible way.

We have, etc.,

(Sd.) W. F. HUDSON,
(Sd.) S. H. COVERNTON,
(Sd.) C. M. LANE.

L (IV) 468 KARACHI: THE COMMISSIONER'S PRINTING PRESS.

INTRODUCTORY.

1. At the Session of the Bombay Legislative Council held on 19th July 1925, the following resolution was adopted by the Council:—

> "This Council recommends to His Excellency the Governor in Council that a mixed Committee of official and non-official members of the Council, with a majority of the latter, be appointed to enquire into the whole question of the Fallow Rules in Sind and to make such recommendations as they may please or the modification, revision or repeal of any of the said rules which they consider to operate unfairly upon the zamindar.
>
> The Committee should consider whether the zamindars have a lien on forfeited lands and, if so, on what conditions they should be restored."

2. In pursuance of this resolution a Committee consisting of the following gentlemen was appointed :—

Mr. P. E. Percival, C. I. E., I. C. S. (Chairman).
„ S. H. Covernton, I. C. S.
„ C. M. Lane, Superintending Engineer.
Khan Bahadur Shah Nawaz Khan Bhutto, C. I. E., O. B. E., M. L. C.
Mr. Mahomed Ayub Shah Mahomed Khuhro, M. L. C.
Mr. Nur Mahomed B. A., LL. B., M. L C.
Sayed Mahomed Kamil Shah, M. L. C.
with Mr. Abdul Kadir Mahomed Hussain, Deputy Collector, Hyderabad, as its Secretary.

3. The terms of reference to the Committee were as under :—

(*i*) to examine the existing rules generally and to make any recommendations they may think proper for their modification, revision or repeal ;

(*ii*) more particularly to consider the question of the restoration to the original holders of lands forfeited under the rules, the conditions on which such restoration should be made, to what extent, *if any*, such holders have a lien on lands so forfeited, and what interpretation has been placed upon the rules by successive Commissioners in Sind ; and to submit a report to Government.

4. The appointment of the above Committee was announced under Government Press Note No. L. C. 1348-B, dated 24th August 1925.

A preliminary meeting of the Committee was held at Karachi on 2nd October 1925 (under the chairmanship of Mr. Covernton) to determine the general lines of procedure. A questionnaire was drawn up (Appendix A), and a list of witnesses (Appendix B), was agreed upon. The questionnaire was issued on 6th October 1925 and was sent to 27 official and 47 non-official witnesses and to 6 Associations and representative bodies. Of these 23 official and 31 non-official witnesses and 5 Associations replied, and their evidence is embodied in a printed blue book (Appendix C).

On January 20th, 1926, Mr. W. F. Hudson C. I. E., M. L. A. was appointed Chairman in the place of Mr. Percival. The Committee met for the second time on February 18th under the Chairmanship of Mr. Covernton (in the absence of the Chairman at Delhi). At this meeting it was decided to call 21 witnesses to give oral evidence, and to hold all future sittings in Karachi. The Committee sat to record oral evidence from April 6th to 10th, all members being present except Sayed Mahomed Kamil Shah. Thirteen witnesses were examined. The remainder for one reason or another failed to appear and it was not thought necessary to resummon them. The oral evidence is printed in Appendix C.

The Committee met to consider the report from May 3rd to 7th (all members being present) and again from May 14th to 15th. On May 15th the non-official members decided to submit a separate report.

HISTORICAL.

5. The history of the system of fallows in Sind and the origin and object of the present fallow rules are set fourth in the historical note submitted to Government with the Commissioner's Memorandum No. 1895, dated 20th June, 1913, which was incorporated in the revised edition of the Manual of Commissioner's Special Circulars after the receipt of Government Resolution No. 7222, dated 4th August 1913. It will be found at page 80 of the Manual and is reprinted for ready reference as Appendix D.

6. The fallow rules were introduced in 1887 and have been in force (with certain modifications, which will be explained later on in this report) ever since. But it must not be supposed that the present enquiry is the first critical examination to which they have been subjected. On no less than 3 separate occasions they have been the subject of exhaustive examination by the Commissioner in Sind, and it may be of interest at this stage to indicate briefly the course of the discussions and the conclusions arrived at on each occasion.

7. The first discussion took place in 1899, when the acting Commissioner (Mr. R. Giles) consulted all District Officers whether the fallow rules "were productive of any good to Government or the people, and whether they could not be replaced advantageously by some simple rules, such as declaring all lands to be forfeited absolutely to Government if not cultivated once in 10 years." The general view taken by the District Officers was that 10 years would be excessive, though some of them were inclined to favour a limit of 7 years The Commissioner Mr. (afterwards Sir Evan) James decided that no change in the period prescribed by the rules was at all advisable. He said "Although 13 years have passed since the fallow rules were made, the people in many places have not yet realized fully their object and force. It would be in the Commissioner's opinion impolitic in the highest degree to alter what is now one of the most essential incidents of land tenure in Sind, and one of the wisest measure devised by Mr. Erskine (on the advice of a strong committee of Sind officers) to adjust the Bombay system of settlement to this Province. Even if a change were supposed to tend towards theoretical perfection (and that it would do so the Commissioner does not believe), any change would now perplex and disturb the whole of the land owning classes who are extending cultivation very satisfactorily. Moreover whatever rules may be made on paper, the sense of proprietorship in fallow forfeited lands would still remain, and the ignoring of it would be practically impossible or at least appear an outrage on the cultivator's sense of what is just. The Commissioner will therefore leave well alone."

8. The general question was again raised in 1904, by Mr. (afterwards Sir John) Muir Mackenzie, Commissioner in Sind. In reply to a reference from him, Messrs. Barrow, Cadell, Mackenzie, Baker, Chatfield and Beyts all strongly opposed the abolition of rule 4. Mr. Mules stated that he was not particularly enamoured of the rules, but was not able to suggest any thing better. Mr. Rieu was inclined to believe that necessity of rule 4 in its present form no longer existed, and he endorsed the suggestion of Shaikh Sadik Ali that the period of fallows should coincide with the period of settlement in each taluka. Sirdar Mahomed Yakub while considering that the abolition of rule 4 would lay the revenue system of the Province open to the reproach of being unduly loose, was of opinion that it should not apply in future to lands depending usually on lift for irrigation. So unsuitable did he consider it for lift lands that he advocated the total abolition of the rule rather than a continuance of its operation in all lands including Charkhi.

As a result of the discussion, the rules were left unaltered although Mr. Muir Mackenzie himself was very doubtful as to their necessity.

9. The 3rd and last examination of the general principle involved began in 1909 and extended over a period of nearly 4 years when the results of all the correspondence and of a Conference held in 1911 were summed up by the Commissioner (Mr. Lucas) in a very full report No. 1895, dated 20th June 1913, (printed as appendix E).

In this report the Commissioner defended the existing rules against attacks from two opposite sides. On the one side the Sind Mahomedan Association and the Hon. Mr. Bhurgri demanded the abolition of the rules in the sense that the zamindars should be relieved of the obligation to pay assessment on lands which they left uncultivated. On the other hand the agricultural experts of the Government of India and the Government of Bombay suggested that the time had come when the rules should be abolished in the sense that the assessment should be levied every year on all occupied lands whether cultivated or not, or else the fallow period allowed by the rules should be considerably reduced. The Commissioner pointed out that the rules had been exhaustively examined 3 times in the previous 8 years, twice in correspondence and once in Conference with all the senior officers of the Province, and that there was practical unanimity on each occassion that the retention of the fallow rules, and more especially rule 4, was absolutely necessary and that it was the belief of all revenue officers in Sind that rule 4 had acted as a great stimulus to the cultivation of land. On the other hand Mr. Lucas explained that the case of the agricultural department for abolition of the fallow concession was based on a mistaken assumption and that the maintenance of the rules was not merely a question of agricultural economy, but underlying it were many considerations of a political, fiscal and agricultural character. He suggested that it was premature to consider whether the fallow rules should be altered or abolished in order to suit the possible conditions of perennial irrigation in the future and he pointed out that any reduction in the period on inundation canals would inevitably result in the general relinquishment of all the poorer lands. Finally he urged " that the question of reducing or abolishing the fallow period should be quietly laid to rest until the advent of perennial irrigation in Sind, and that fallow rules which have remained unchallenged for more than 20 years and in the opinion of all Sind Revenue Officers have been completely successful may be left undisturbed." Government in their resolution No. 7222, dated 4th August 1913, concurred in this view.

10. In September 1924, Government sanctioned the suspension of the fallow rules (by which was presumably meant fallow rule 4) in the entire Barrage area, and two months later rule 4 was also provisionally suspended by the Commissioner in Sind in the non-Barrage area in the case of all lands dependent on canals under restriction. The result is that rule 4 has since 1924 only been in operation in 11 dehs of Kotri taluka, 21 dehs of Manjhand (mahal), 12 dehs of Karachi, 7 dehs of Jati, 12 dehs of Shahbunder, 11 dehs of Sujawal, 9 dehs of Kandhkot and in portions of 14 dehs of Sukkur taluka, that is to say, only in 97 dehs out of a total of 5365 dehs in the whole Province.

EXAMINATION OF THE RULES.

[PART (1) OF THE REFERENCE.]

11. Having thus briefly sketched the history of the rules down to the present time, we now pass on to the first point in our reference, *viz.*, a general examination of the existing rules.

GENERAL.

12. A very large majority of the non-official witnesses have advocated a complete abolition of the fallow rules. Presumably they omitted to observe that the repeal of rule 3, would render every survey number, whether cultivated or not, liable to annual assessment under section 45 of the Land Revenue Code as in the rest of the Bombay Presidency. We are unable to make any such recommendation, as we consider that a system of fallows is essential under the present conditions of Sind. Not only is there insufficient water in the inundation canals to provide irrigation for the whole cultivable area under command, but even the Barrage canals are designed to give water to about 80 per cent. of the land under command. In these circumstances fallows are inevitable and it seems unnecessary to discuss the point further.

13. We now proceed to an examination of each rule separately.

RULE 1.

(*i*) The present rule is :—

"1. When the occupancy of a Government survey number appropriated for the purposes of agriculture is granted to any one, the assessment of such number for the first year of occupancy is leviable whether the number is or is not cultivated. The object of this rule is to prevent individuals acquiring land which they cannot or will not utilize and holding it free of all liability to assessment for five years under rules 3 and 4, and also to prevent their reacquiring the land after the expiration of the five years and holding it for another five years free of assessment and so on. Assessment should be levied under this rule on relinquished and fallow forfeited survey numbers regranted to the original occupants or their heirs."

(*ii*) Very few of the witnesses have referred specifically to this *rule.* Mr. Hotchand (No. 1) suggests that it should be so modified as to allow one year or more to occupants within which to cultivate the land. Mr. Vastiram (No. 14) and Mr. Gurdasing (No. 26) recommend that the rule should be abolished. On the other hand Rai Bahadur Hiranand Khemsing (No. 33) who may be regarded as one of the principal opponents of the existing rules, stated in his oral evidence that he was in favour of the retention of this rule because its provisions were salutary, and that worked with reasonable discretion it was not an unjust rule. Concurring with him, we propose to maintain the rule in principle, but to modify it in such a way as to avoid all possibility of hardship. It not infrequently happens that land is given out too late for cultivation to be undertaken with any prospect of success in that year. Sometimes too the land requires considerable preparation in the way of levelling or jungle clearance. Our recommendation therefore is that the 'nakashto' assessment should ordinarily be levied in the second year instead of in the first, and that the Collector should have discretion to extend the period of recovery to an even later date. As a matter of fact, this discretion has been frequently exercised in the past, but it seems desirable to regularise it by an amendment of the rule.

(*iii*) The proposed rule will be—

"1. When the occupancy of a Government survey number appropriated for the purposes of agriculture is granted to any one, whether permanently or for any period of more than one year, if that number be not cultivated in the first year of occupancy, then the assessment on it shall be leviable for the second year of occupancy, whether the number is or is not cultivated in the second year. Assessment levied under this rule is called nakashto assessment. The object of this rule is to prevent individuals from taking up land which they cannot or will not utilise and holding it free of all liability to assessment for five years under rules 3 and 4. Assessment should be levied under this rule on relinquished and fallow forfeited numbers re-granted to the original occupants or their heirs, in the same way as on nakabuli numbers.

(ii) But the Collector is authorized, if he considers that for special reasons the number cannot be cultivated within the first two years of occupancy to postpone the liability to nakashto assessment to such later years as may appear to him to be necessary.

(iii) In the case of eksali grants the nakashto assessment shall be leviable if the number is not cultivated in the year for which it was granted provided that if the Collector is satisfied that the failure to cultivate is due to causes out of the occupants control he may remit the nakashto assessment on eksali numbers."

RULE 2.

(*i*) The present rule is :—

"2. If in any year an occupied survey number appropriated for the purposes of agriculture is not cultivated but the occupant of such number makes a profit

out of his occupancy by sale of fish, grass, fodder, timber, fuel or other product of such number, the Collector shall at his discretion levy a part or the whole of the assessment on the number.

It sometimes happens that the profit from an agricultural number is greater when the number is not cultivated than when it is cultivated. For instance a flooded number may give the occupant a large profit by the sale of fish and edible acquatic plants. This rule is intended to meet such cases and to prevent an occupant reaping large profits from his occupancy for perhaps four consecutive years without liability to pay the assessment. On the other hand this rule may not be utilized to levy assessment from an occupant who makes a profit from an uncultivated survey number by the sale of earth removed with the *bona fide* intention of improving the land."

(*ii*) This rule also is referred to by very few witnesses, Mr. Hamid A. Ali (No. 13) although he advocates the abolition of all the other rules, considers this one is equitable and should be retained. Mr. Mahomed Sidik Wagan, (No. 37) is also in favour of retention of this rule, though he wishes to abolish all the rest, except rule 3.

(*iii*) We consider that the rule is a sound one and causes no hardship but we suggest the following modifications :—

In line 4 omit ' grass ' and ' fodder.' In any area where grass is grown in considerable quantities there is a special rate, and present rule 5 applies ; in other areas in view of the desirability of increasing the stock of grass-fodder we think no assessment need be taken. The word ' fodder ' should be omitted, as apart from grass and regular fodder crops, we know of none which is worthy of consideration. We also provide a clause to ensure that all payments made during the period are taken into consideration in reckoning the liability to fallow assessment. This seems more equitable than the present rule.

(*iv*) The proposed rule will be :—

" 2. If in any year an occupied survey number appropriated for the purposes of agriculture is not cultivated, but the occupant of such number makes a profit out of his occupancy by the sale of fish, timber, fuel, or other product (except grass) of such number the Collector shall at his discretion levy a part or a whole of the assessment on the number.

Payments under this rule do not exempt a survey number from liability to fallow assessment under rule 4 unless the aggregate of such amounts paid during the fallow period equals the full assessment. If the amounts so paid fall short of the full assessment, the fallow assessment to be charged is the ordinary assessment less the amounts so paid.

It sometimes happens that the profit from an agricultural number is greater when the number is not cultivated than when it is cultivated. For instance, a flooded number may give the occupant a large profit by the sale of fish and edible aquatic plants. This rule is intended to meet such cases and to prevent an occupant reaping large profits from his occupancy for perhaps four consecutive years without liability to pay the assessment. On the other hand this rule may not be utilized to levy assessment from an occupant who makes a profit from an uncultivated survey number by the sale of earth removed with the *bona fide* intention of improving the land."

RULE 3.

(*i*) The present rule is :—

" 3. Subject to the conditions laid down in rules 1 and 2 the assessment on an occupied survey number is payable only for the years when such number is cultivated wholly or in part. Survey numbers otherwise fallow of which the whole

or a portion is used as a nursery for rice seedlings by the occupant are not on this account to be considered cultivated and liable to assessment unless the occupant raises seedlings for sale or sublets his number for the purposes of a nursery."

(*ii*) None of the witnesses suggest any change in this rule, though many of them (inadvisedly as it seems to us) advocate its abolition. To abolish this rule would be to withdraw the concession which differentiates Sind from the rest of the Bombay Presidency and which is really one of the foundations of the Sind Revenue System. We only suggest certain verbal changes in this rule.

(*iii*) The proposed rule will be:—

"3. Subject to the conditions laid down in rules 1, 2, 4 and 5 the assessment on an occupied survey number is payable for only those years in which the number is cultivated wholly or in part. Any survey number otherwise fallow of which the whole or a portion is used as a nursery for rice seedlings by the occupant is not on this account to be considered cultivated and liable to assessment unless the occupant raises seedlings for sale or sublets his number for the purpose of a nursery".

RULE 4.

(*i*) The present rule is :—

"4. (1) If a survey number appropriated for the purposes of agriculture has not paid one full assessment for four consecutive years, either because the number has not been cultivated or because full assessment has not been levied by the Collector under rule 2 during that period, it is liable to assessment for the 5th year, and if the assessment is not paid in due course the number may be forfeited under the provisions of clause (b), section 150 of the Land Revenue Code.

(2) When a number has once been cultivated and assessed a fresh period of fallow begins to run from the year following, even though the assessment may have been remitted in full under the remission rules."

(*ii*) The first sub-section of this rule was a part of the fallow rules of 1887, and its wording has since been but slightly changed. The second subsection was not in the rules as originally sanctioned, but fist appeared as rule 3 of the supplementary rules issued by Mr. Trevor in 1890, and has been modified since to bring it into line with the changed wording of other rules, especially rule 7.

(*iii*) Rule 4 is of course the *crux* of the whole matter and we have had a mass of conflicting evidence presented to us in regard to it. Almost all the non-official witnesses are, not unnaturally, strongly opposed to the continuance of the rule in any shape or form. They say that the original object of the rule has been served, that zamindars no longer need any stimulus to cultivate, and that the rule when it does operate, does harm to the zamindar, and no good to Government. Fallow assessment is described as "an improper penalty" and fallow forfeiture as an unjustifiable interference with the rights of property. For the more extreme presentation of the case attention is invited to the evidence of Rai Bahadur Hiranand (No. 33) and Mir Allah Baksh (No. 50), but most of the rest state practically the same views in rather milder terms. The only exceptions among the non-official witnesses are:—(1) Mr. Dingomal Hukumatrai (No. 34) who does not wish to abolish the rule but thinks the fallow period should be extended to 7 or 10 years, (2) Mr. Sundersing (No. 4) who wishes no change made, and states that there is no alternative to rule 4 to encourage zamindars to work hard, (3) Buxi Darshansing (No. 3) who represents the Jamrao Sikh Association and who after 10 years' personal experience of Sind farming wishes no change in the rules. The evidence of this witness is not without significance. He represents 3,000 Sikh cultivators, and he states in his oral evidence that the opinions set forth in his written statement were duly endorsed at a meeting of his Association. These opinions are entirely in favour of the existing rules.

(*iv*) Amongst the official witnesses Messrs. Taunton (No. 2), Nuruddin (No. 27), Brown (No. 29), Davies (No. 12), Nur Nabi (No. 18) and Gurdasing (No. 26) are in favour of the existing fallow period being maintained. Messrs. Chainrai (No. 5), Punwani (No. 7), Vartak (No. 9), Gul Mahomed (No. 15), Hardasmal (No. 22), Mahomed Baksh (No. 48) and Valabdas (No. 30) wish the rule to be maintained but suggest an extension of the period, Messrs. Baker (No. 11) and Sawhney (No. 31) are in favour of the existing period at present, but suggest a reduction of it in the Barrage area. Messrs. Hotchand (No. 1), Gordon (No. 6), Harrison (No. 47) and Henderson (No. 25) are also in favour of a reduced period under various conditions. It is not, we think, without significance that Mr. Chainrai (No. 5), Mr. Gurdasing (No. 26) and K. B. Gul Mahomed (No. 13), who are zamindars as well as officials and have all either lost land through forfeiture, or been compelled to pay fallow assessment do not advocate the abolition of rule 4.

The only official witnesses who wish the rule to be repealed are Mr. Hamid A. Ali (No. 13) and Mr. Vastiram (No. 14). Mr. Hamid A. Ali says that its usefulness is not in proportion to its unpopularity and real inconvenience and opportunities for corruption to which it gives rise. Mr. Vastiram doubts the legality of the rule and in any case considers the levy of assessment on uncultivated land to be opposed to good policy and contrary to the old usage.

(*v*) We are of opinion that in dealing with this rule a sharp distinction must be drawn between the areas which will be commanded by the Barrage canals, and those which will not. In the former under the orders of Government the operation of this fallow rule is suspended from the year 1924-25. The justification for this decision lies in the fact that the regrant of forfeited numbers and the grant of new land has been suspended in the Barrage area, and it might be considered a hardship that lands should be forfeited for non-payment of fallow assessment when the occupants have no opportunity of getting them back. We do not consider that the orders of Government should be withdrawn, or that there is any necessity to reapply the rule in this area before the introduction of Barrage irrigation even if it should be decided to remove the restriction on the immediate regrant of fallow forfeited numbers in the Barrage area, under certain conditions. If the rule were reapplied, a fresh five years' period would commence to run from that date, and it is understood that Barrage irrigation will probably have commenced in all occupied lands commanded by the Project before that 5 years' period has expired.

(*vi*) A much more important question is whether rule 4 or any thing like it, should be retained in the Barrage area *after* the introduction of Barrage irrigation. This question, however, is one on which we find ourselves unable to offer any definite recommendations at the present stage, since we have not a sufficiently accurate and detailed knowledge of the conditions which will prevail in that area after the Barrage comes into operation. No doubt we should be entitled to assume that there will be an assured and fully controlled supply of water, and therefore no number need remain uncultivated for lack of water at any rate for more than one year in two. We understand that the project provides for the irrigation of only 80 per cent. of the area commanded each year and therefore it is clear that some sort of fallow period will be required. But water is not the only factor, and there may be many others involved which we do not know and cannot foresee. To take one obvious instance, the Agricultural Department is now about to conduct a series of experiments at Sakrand in order to ascertain how far and with what precautions it is possible to cultivate Sind soil under perennial irrigation year by year without danger of either exhaustion or of water-logging. It is impossible to foresee the result of those experiments or to anticipate the conclusions which may be based on them. So far as we can judge, it does indeed seem probable that even more than on an inundation canal some provision will be required to ensure that occupied land should not remain uncultivated for indefinite periods without paying any revenue whatever to Government. But we consider that it would be worse than useless to lay down rules now with no other guide than our experience of inundation canals, and a few canals such as the Jamrao which were once quasi-perennial, but are so no longer. We consider

therefore that the question of the application of rule 4 to lands irrigated from the Barrage should be dealt with by a Committee which should enquire into the matter after the Barrage has been constructed and the Barrage canals have been working for a year or two.

(*vii*) There remains the question of the areas which will not be commanded by the Barrage canals. These include the whole of the Karachi district, about half of Hyderabad, and large portions of Sukkur and the Upper Sind Frontier. In a considerable portion of this area the rule has already been suspended on account of restriction on the canals and at the moment the number of dehs in which the rule is in active force is only 97 out of a total of over 5,000.

It has been urged that since the rule is being actually applied in so small a fraction of the total number of dehs in Sind, or even of the non-Barrage dehs, there can be little practical object in its retention. This argument seems to us to have little force. The rule has been suspended wherever it appears that failure to cultivate is due to general causes outside the zamindars' control, or where for any other reason its enforcement appeared unfair to the zamindar. But even if it were suspended in 99 per cent. of the whole of Sind, this could be no sound argument for its suspension in the remainder, in which no reasons for suspension existed. Moreover there is no reason to assume that the water-supply in dehs where the rule is now suspended will never improve. On the contrary there seems every ground to expect that in some dehs at least, alterations to existing canals, the construction of new canals, and improved arrangements for the control and distribution of water may improve the supply sufficiently to warrant the removal of the restriction and the reapplication of rule 4.

Although a few witnesses have said that there is land in Sind which cannot be cultivated even once in ten years, it seems abundantly clear from the evidence, read as a whole, that *given a sufficient water-supply*, even lift land, provided it be cultivable at all, can be profitably cultivated without manure at least once in five years and flow lands at shorter intervals. If this is so, it is surely no hardship to require that a zamindar should cultivate his land, provided water is available, at least once in five years, or should at any rate pay the assessment once in that period.

Varying replies have been given to the question why lands in fact remain fallow for prolonged periods. But the reasons assigned may all be reduced to three main classes: (1) lack of water, (2) lack of haris and (3) personal and individual reasons connected with the khatedar himself, *e.g.*, lack of capital, preoccupation with other work, lack of interest in some lands as compared with others, incompetent or lazy agents or 'kamdars' (where the zamindar is an absentee), and sometimes lack of energy or capacity on the part of the zamindar himself. Even cases apparently falling into the second class, would probably be found in most cases in reality to fall under either the first or the 3rd class. Now it is generally admitted that by far the commonest cause of land remaining uncultivated is lack of water and this is in most cases a cause outside the zamindar's control But though instances of the 3rd class may be rare in proportion to the total number of zamindars who are fallow assessed, yet they certainly exist, nor are they so uncommon that they can be ignored. So long as human nature remains what it is, so long will some landowners be less competent and less energetic, and less interested in their lands than others. And so long as grants of land are made, it must happen that sometimes zamindars take up land which they cannot cultivate, or that they neglect some of their older land in order to cultivate the new land. The problem is how to ensure that Government gets its assessment at reasonable intervals where cultivation is not impossible, without exacting it from lands which could not possibly be cultivated for lack of water. Rules 4, 7 and 8 were devised to solve this problem, and must be taken together. Provided rules 7 and 8 are worked with reasonable latitude they seem to us to provide the best solution that can be found. Certainly the abolition of rule 4 is no solution, for it ignores one side of the problem, as completely as rule 4 would ignore the other, were it not

accompanied by rules 7 and 8. Where there is general failure of water throughout any well defined area, the obvious solution is to suspend rule 4 either for one or more years as may in the circumstances be necessary. Where failure to cultivate is due to special causes peculiar to a particular survey number, postponement of the liability to fallow assessment till the following year can be given on application. A genuine shortage of haris in any particular area which the zamindars cannot meet by offering better terms to their haris would afford a good ground for suspension under rule 8.

Applications for postponement of liability to fallow assessment do not seem to have been made very frequently in the past in some talukas, and we are elsewhere proposing certain modifications of rule 7 with a view to facilitating such applications and to reduce the chances of an application being refused on merely technical grounds.

It may be admitted that the figures of fallow assessment and fallow forfeitures (Appendix F), in certain areas suggest a doubt whether rule 8 has always been applied in the past quite as freely as was desirable, although Appendix G shows that its application has in fact been frequent and widespread. We are not able to suggest any modification either of rule 4 or rule 8 which would have the effect of preventing particular areas from being overlooked. But perhaps this end would be met by executive orders that Mukhtiarkars should each year supply the Collector with a statement of the area in each deh coming under the fallow assessment, with an explanation of the reason, if the area is very large, and that they should at the same time give their opinion whether there is any case for suspension under rule 8.

(*viii*) We have considered the question whether it was desirable to make any distinction between flow and lift in regard to the length of the free fallow period. When the non-official witnesses complained of the five year period being too short, they usually seem to have been referring to lift lands. On the other hand some of the officials have suggested that for flow lands a shorter period would be reasonable, and even that if this distinction were made there would be no objection to an increase in the lift period. Under the fallow rules in force under the revision settlements different periods of fallow were fixed for different classes, *i. e.*, for kharif flow, kharif lift, rice, etc. But it was found in practice that those rules were far too complicated. Under an irrigation settlement on an inundation canal such a varying scale of fallows would be still more difficult to work. A number no longer has a definite survey classification as lift or flow. Some lands which are usually lift may in an exceptional year become flow, and *vice versa*. Therefore such a scale would be very difficult to apply in individual cases. Again it would make it far more difficult for the average khatedar to know when his number becomes liable to fallow assessment. Finally, as has been said above, we do not consider that any case has been made out for holding the five year period insufficient for lift, provided the water-supply is sufficient. Where it is insufficient the case can best be met with by suspension. We are therefore unable to recommend that any distinction of period be made in the Non-Barrage area between lift and flow.

(*ix*) We propose certain slight changes in the rule, consequent on the modification in rules 2, 5 and 10 which are explained in our remarks under those rules : but the general effect remains unaltered.

The new rule will be :—

"4 (1) If a survey number appropriated for the purposes of agriculture has not paid one full assessment for four consecutive years either because the number has not been cultivated or because full assessment has not been paid under rules 2 and 5 it is liable to assessment for the fifth year and if the assessment is not paid in due course it becomes an arrear of land revenue and may be recovered in the manner prescribed in rule 10.

(2) When a number has once been cultivated and assessed, a fresh period of fallow begins to run from the year following, even though the assessment may have been remitted in full under the remission rules."

RULE 5.

(*i*) The present rule is :—

" 5. Wherever a special light rate exists for grass the levy of that rate in any year does not exempt a survey number from forfeiture under rule 4 unless the occupant has paid the grass rate for each year during the fallow period. But if the grass rate is paid in the year in which the survey number becomes liable to fallow assessment, the fallow assessment to be charged is the ordinary fallow assessment less the amount charged as grass rate. Where no special light grass rate exists, the payment of such part of the assessment as the Collector may order at his discretion under rule 2 should not be considered as exempting a survey number from forfeiture, even though grass may have been grown and part assessment levied several times during the fallow period. The levy of full assessment in any year will of course entitle the number to a fresh period of fallow from the next year ".

(*ii*) No witness has made any special mention of this rule. We suggest that all payments for grass during the fallow period should be taken into consideration in assessing the liablity to fallow assessment, on the same lines as the change suggested in present rule 2 (above). The last part of the present rule also disappears in view of the explanation of present rule 2 (above).

(*iii*) The proposed rule will be :—

" 5. Wherever a special light rate exists for grass, the levy of that rate in any year does not exempt a survey number from liability to fallow assessment under rule 4 unless the aggregate of such amounts paid during the fallow period equals the full assessment. If the amounts so paid fall short of the full assessment the fallow assessment to be charged is ordinary assessment less the amounts so paid ".

RULE 6.

The present rule is :—

" 6. When assessment is leviable under rule 4 on a survey number held under an Irrigational Settlement, the assessment to be levied is that chargeable on the description of cultivation last undertaken in that survey number. If it has never been cultivated before, the assessment to be levied is that which was adopted as the basis for fixing malkano at the time when occupancy of the land was granted. In cases, however, where land was granted free of malkano or at a fixed rate per acre as in the Jamrao tract the assessment should be charged at the lowest kharif rate for the deh." No change is proposed by any one, and we consider that the rule may stand.

RULE 7 (i).

(*i*) The present rule is :—

" 7 (i)-In the case of survey numbers liable to fallow assessment, if there are circumstances which render it impossible to cultivate the survey number during the kharif and rabi (including adhawa) seasons in the fifth year, liability to fallow assessment may be postponed under the orders of the Collector to the following year ".

(*ii*) This rule has undergone several important changes since the principle which it embodies was first laid down in 1890. In that year the Commissioner in Sind Mr. (afterwards Sir Arther) Trevor issued certain supplementary fallow rules, in his Circular No. 2232, dated 2nd July. The relevant rule ran as follows :—

"These rules do not however apply to uncultivated numbers liable to assessment under rule 4 of the fallow rules, the assessment on which must ordinarily be levied in full or the number forfeited as therein provided. The single case in which an exception may be made and remission allowed is, when it can be shown that owing either to want of water or other causes beyond the control of the occupant it was not possible to cultivate the number in any one of the years, including the fifth, during which it has remained fallow".

As a result of practical experience, it was found very difficult, if not impossible, to ascertain whether a particular number could or could not have been cultivated in each one of the five years, and Mr. James accordingly in 1900 amended the rule by substituting for the words "in any one of the years including the fifth" the following words "in the fifth year".

In 1923 it was pointed out that there was no sound reason why a fresh period of fallow should begin to run merely because cultivation was impossible in the fifth year of the previous period, and that the more logical method would be to grant postponement of liability to assessment in the fifth year if cultivation were impossible. The Commissioner (Mr. Mountford) accepted this view which was supported by all the district officers, and the rule was amended accordingly.

(*iii*) Most of the non-official witnesses desire a reversion to the old rule, while most of the officials consider the change is an improvement. Mr. Hamid A. Ali, who is certainly not enamoured of the fallow rules, says that there is no reason to give a five years' postponement in consequence of circumstances which affect one year only. We concur in this view and recommend that the rule be allowed to stand, but in order to avoid the possibility of any ambiguity as to its intention, we propose to add the words "and year by year, if necessary".

(*iv*) The proposed rule will be:—

"7. (1) In the case of survey numbers liable to fallow assessment if there are circumstances which render it impossible to cultivate the survey number during the kharif and rabi (including adhawa) seasons in the fifth year, liability to fallow assessment may be postponed under the orders of the Collector to the following year, and year by year, if necessary".

RULE 7 (ii) TO (ix).

(*i*) The present rule is:—

"(ii) Applications for postponement of liability to fallow assessment on lands whether on inundation or perennial canals, should be submitted to the Mukhtiarkar by the 31st January. But in tracts served by perennial canals where adhawa cultivation is ordinarily carried on Sub-divisional Officer may, in special cases, allow applications to be accepted up to 31st March. Such applications are exempt from court-fee stamp under Government of India notification No. 4385-S. R., dated the 19th August 1901.

(iii) Applications received after the prescribed date will not be inquired into except under the orders of the Sub-divisional Officer.

(iv) Every application received must be at once entered in a register to be kept in the appended Form A, unless it omits to specify the survey numbers on which postponement of liability is claimed, in which case the Mukhtiarkar shall immediately inform the applicant why it has not been registered. Such applications may, however, be entered the register subsequently if the Sub-divisional Officer so directs. The Mukhtiarkar may permit an applicant to correct any obvious error in entering the number of the survey numbers for which postponement is applied for.

(v) In the case of floods due to a breach in a canal or of insufficiency of water the Sub-divisional Officer should obtain from the Executive Engineer his opinion on the working of the canal concerned.

(vi) The Mukhtiarkar should commence the inspection of lands as soon as possible after receipt of the applications. He should at once note the result of his inspection in the prescribed form, which should be signed and issued to the applicant on the spot. Amins are not required in dealing with these claims.

(vii) An applicant may appeal to the Sub-divisional Officer against the Mukhtiarkar's refusal to recommend postponement within fifteen days of the date of receipt of the order, attaching to his petition the form issued to him. No second appeal lies to the Collector.

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(viii) The Mukhtiarkar should record the result of his inspection below the application, giving details of the area, assessment, source of irrigation and reasons for recommending postponement of liability in respect of each survey number separately.

(ix) The Mukhtiarkar, after completing his enquiries, should draw up a statement in the attached Form B and submit it by 15th May to the Sub-divisional Officer, who, after personal enquiries in as many cases as possible should submit it with his recommendation against each entry to the Collector for sanction before 1st July."

(*ii*) The only changes we propose are (a) in sub-section (ii) the substitution of 'March 31st' for 'January 31st' in all cases. We do not think this change will involve any administrative difficulty, while it will remove any possibility of hardship to the cultivator, (b) in sub-section (iv) instead of "the Mukhtiarkar may permit an applicant" substitute "the Mukhtiarkar shall permit an applicant".

RULE 8.

(*i*) The present rule is :—

"8. In addition to the postponement of liability to the fallow assessment under No. 7 above, the Commissioner is prepared to authorize the suspension of the fallow rules in any well defined tract where it can be shown that there is a chronic deficiency of water-supply or that owing to other circumstances beyond the control of the land holders cultivation is impeded. Before submitting proposals for suspension, district officers should ordinarily consult the Public Works Department Officers, even when it is proposed to suspend the rules for one year only".

(*ii*) The only change we suggest in this rule is that for the words "the Commissioner is prepared to authorize the suspension of the fallow rules" be substituted "the Commissioner may authorize the suspension of rules 1 and 4".

RULE 9.

We propose no change in this rule.

RULE 10.

(*i*) The present rule is :—

"10. Dehwar lists prepared by the Tapedar of survey numbers liable to fallow assessment must be prepared in time for scrutiny by the Mukhtiarkar and for examination by the officer doing the jamabandi. The assessment on such numbers should ordinarily be paid by 10th June, default in payment rendering the numbers liable to forfeiture. By the 15th June, the Tapedars should send the list to the Mukhtiarkar, noting the survey numbers on which the assessment has been paid, with as many copies of the proclamations and notices prepared in the form appended as there are defaulters, together with three spare copies to be affixed, one in the Tapedar's dera, one in the Mukhtiarkar's or Mahalkari's office and one in the Collector's office. The Mukhtiarkar should sign the notices and have them published by the 20th June in the manner shown in section 166 of the Land Revenue Code. Under clause (b) of the proviso to section 153 of the Land Revenue Code an occupancy cannot be declared forfeited until after the expiration of at least fifteen days from the latest date on which any of the notices was affixed ; it is therefore incumbent on the Mukhtiarkar to ascertain the date on which the notices were so affixed on the Tapedar's dera and in the Collector's office. The dehwar lists of survey numbers prepered by Tapedars should then be revised in the Mukhtiarkar's office the numbers on which the assessment has been paid or postponed being omitted. The Mukhtiarkar should submit the revised lists to the Sub-divisional Officer by the 10th July, reporting at the same time the latest date on which any of the notices was affixed. The Sub-divisional Officer, not earlier than fifteen days after that date, should declare the survey numbers to be

forfeited and communicate his order to the Mukhtiarkar together with sanction to the writing off of the assessment due on the forfeited numbers. This order and sanction should ordinarily be in the hands of the Mukhtiarkar by the 20th July and should in no circumstances be delayed beyond the 25th July. Any occupant wishing to pay assessment on any survey numbers notified for forfeiture before the end of the year may of course do so; on receipt of intimation of such payment from the Tapedar, the Mukhtiarkar will strike the numbers off the list and communicate the fact to the Assistant Collector."

(*ii*) It will be seen that the general effect of this rule is to apply to the recovery of arrears of fallow assessment the general procedure laid down in sections 153 and 166 of the Land Revenue Code. It has been represented to us however that the method of publication prescribed in section 166, Land Revenue Code, does not always in practice give the defaulter sufficient notice. He may not see the notice affixed in the Collector's office, the taluka office or the village. And his nominal residence in the deh may be one which in fact he seldom visits. Even if he sees the notice attached to his house he may not realise what it means, especially as the form prescribed is a general notice for the whole deh including all the survey numbers fallow assessed on which the fallow assessment has not been paid. It is possible that some zamindars at least would prefer to pay, rather than let their lands be fallow assessed, if they received a more definite and individual warning that the amount was due from them.

(*iii*) We propose that the rule should he redrafted as under:—

"10. Dehwar lists prepared by the Tapedar of survey numbers liable to fallow assessment must be prepared in time for scrutiny by the Mukhtiarkar and for examination by the officer doing the Jamabandi. The assessment on such numbers shall be due during the 1st Rabi instalment period. If the assessment is not paid by the prescribed date, notice of demand should issue under section 152, Land Revenue Code, and if it is not paid within the time specified in the notice, the land in respect of which the arrears are due shall be liable to forfeiture under section 153 Land Revenue Code. By the 25th June the Tapedars should send the list to the Mukhtiarkar noting the survey numbers on which the assessment has been paid, with as many copies of the proclamations and notices prepared in the form appended as there are defaulters, together with three spare copies to be affixed, one in the Tapedar's dera, one in the Mukhtiarkar's or Mahalkari's office and one in the Collector's office. The Mukhtiarkar should sign the notices and have them published by the 30th June in the manner shown in section 166 of the Land Revenue Code. Under clause (b) of the proviso to section 153 of the Land Revenue Code an occupancy cannot to declared forfeited until after the expiration of at least fifteen days from the latest date on which any of the notices was affixed; it is therefore incumbent on the Mukhtiarkar to ascertain the date on which the notices were so affixed on the Tapedar's dera and in the Collector's office. The dehwar lists of survey numbers prepared by Tapedars should then be revised in the Mukhtiarkar's office, the numbers on which the assessment has been paid or postponed being omitted. The Mukhtiarkar should submit the revised lists to the Sub-divisional Officer by the 15th of July, reporting at the same time the latest date on which any of the notices was affixed. The Sub-divisional Officer not earlier than fifteen days after that date, should declare the survey numbers to be forfeited and communicate his order to the Mukhtiarkar together with sanction to the writing off of the assessment due on forfeited numbers. This order and sanction should ordinarily be in the hands of the Mukhtiarkar by the 25th July. Any occupant wishing to pay assessment on any survey numbers notified for forfeiture before the end of the year may of course do so; on receipt of intimation of such payment from the Tapedar the Mukhtiarkar will strike the numbers off the list and communicate the fact to the Assistant Collector."

(*iv*) The principal effect of the change is that if the fallow assessment is not paid on the due date, a notice under section 152 will be issued in the first instance, and be served on each individual defaulter. And since the notice fee is to be

recovered from him it is certain that this notice will be served. This will give him a clear warning that the fallow assessment is due and is in arrears. If he still does not pay, then the authorities will have recourse to the procedure laid down in Land Revenue Code, sections 153 and 166. It is neither necessary nor desirable that any of the other methods of recovery laid down in section 150 should be applied to arrears of fallow assessment. In order to make this clear we suggest that the wording of the prescribed form of notice under section 152, Land Revenue Code, should be altered so as to read that the demand is made for payment of fallow assessment and that in case of default proceedings for forfeiting the holding under section 153, Land Revenue Code, only will be taken.

RULE 11.

We propose no change in this rule.

RULE 12.

We propose no change in this rule.

14. Lastly we propose to rearrange the rules in what appears to us to be a more logical order. The present rule 3 embodies the main principle which differentiates the Sind system from the Presidency system, and the main exception to the provisions of the Land Revenue Code: all the other rules are subsidiary to it. It therefore seems desirable that rule 3 should come first, and we have made the necessary rearrangement, old rule 1 becoming new rule 2 and old rule 2 becoming new rule 3. We place old rule 5 next to old rule 2 because both deal with cases where some profit accrues without actual cultivation. Old rule 4 then becomes new rule 5 and the remainder are unchanged.

15. If our recommendations are accepted the rules will in future run as follows :—

FALLOW RULES.

The origin and object of the present fallow rules are shown in the historical note hereto appended. The rules are applicable only to unalienated land, irrigated by a canal or a well, to which a survey settlement has been applied. They have no application to alienated land, nor to unsurveyed unalienated land, nor to any lands lying between the river and the nearest protective bund, nor, save under special orders, to barani lands. Nor do they, with the exception of rule 3 apply to land held under the Sind Occupants' Act III of 1899.

1. Subject to the conditions laid down in rules 2, 3, 4 and 5 the assessment on an occupied survey number is payable for only those years in which such number is cultivated wholly or in part. Any survey number otherwise fallow of which the whole or a portion is used as a nursery for rice seedlings by the occupant is not on this account to be considered cultivated and liable to assessment unless the occupant raises seedlings for sale or sublets his number for the purposes of a nursery.

2. (i) When the occupancy of a Government survey number appropriated for the purposes of agriculture is granted to any one, whether permanently or for any period of more than one year, if the number be not cultivated in the first year of occupancy, then the assessment on it shall be leviable for the second year of occupancy, whether the number is or is not cultivated in the second year. Assessment levied under this rule is called 'nakashto' assessment. The object of this rule is to prevent individuals from taking up land which they cannot or will not utilise and holding it free of all liability to assessment for five years under rules (1 and 5). Assessment should be levied under this rule on relinquished and fallow forfeited numbers regranted to the original occupants or their heirs in the same way as on nakabuli numbers.

(ii) But the Collector is authorized if he considers that for special reasons the number cannot be cultivated within the first two years of occupancy, to postpone the liability to nakashto assessment to such later years as may appear to him to be necessary.

(iii) In the case of eksali grants the nakashto assessments shall be leviable if the number is not cultivated in the year for which it was granted. Provided that if the Collector is satisfied that the failure to cultivate is due to causes out of the occupant's control he may remit the nakashto assessment on eksali numbers.

3. If in any year an occupied survey number appropriated for the purposes of agriculture is not cultivated, but the occupant of such number makes a profit out of his occupancy by the sale of fish, timber, fuel, or other product (except grass) of such number the Collector shall at his discretion levy a part or a whole of the assessment on the number.

Payments under this rule do not exempt a survey number from liability to fallow assessment under rule 5 unless the aggregate of such amounts paid during the fallow period equals the full assessment. If the amounts so paid fall short of the full assessment, the fallow assessment to be charged is the ordinary assessment less the amounts so paid.

It sometimes happens that the profit from an agricultural number is greater when the number is not cultivated than when it is cultivated. For instance, a flooded number may give the occupant a large profit by the sale of fish and edible aquatic plants. This rule is intended to meet such cases and to prevent an occupant reaping large profits from his occupancy, for perhaps four consecutive years without liability to pay the assessment. On the other hand this rule may not be utilized to levy assessment from an occupant who makes a profit from an uncultivated survey number by the sale of earth removed with the *bona fide* intention of improving the land.

4. Wherever a special light rate exists for grass, the levy of that rate in any year does not exempt a survey number from liability to fallow assessment under rule 5 unless the aggregate of such amounts paid during the fallow period equals the full assessment. If the amounts so paid fall short of the full assessment, the fallow assessment to be charged is the ordinary assessment less the amounts so paid.

5. (1) If a survey number appropriated for the purposes of agriculture has not paid one full assessment for four consecutive years either because the number has not been cultivated or because full assessment has not been paid under rules 3 and 4 it is liable to assessment for the fifth year and if the assessment is not paid in due course it becomes an arrear of land revenue and may be recovered in the manner prescribed in rule 10.

(2) When a number has once been cultivated and assessed, a fresh period of fallow begins to run from the year following even though the assessment may have been remitted in full under the remission rules.

6. When assessment is leviable under rule 5 on a survey number held under an irrigational settlement, the assessment to be levied is that chargeable on the description of cultivation last undertaken in that survey number. If it has never been cultivated before, the assessment to be levied is that which was adopted as the basis for fixing malkano at the time when occupancy of the land was granted. In cases however, where land was granted free of malkano or at a fixed rate, per acre as in the Jamrao Tract the assessment should be charged at the lowest kharif rate for the deh.

7. (i) In the case of survey numbers liable to fallow assessment, if there are circumstances which render it impossible to cultivate the survey number during the kharif and rabi (including adhava) seasons in the fifth year, liability to fallow assessment may be postponed under the orders of the Collector to the following year and year by year, if necessary.

(ii) Applications for postponement of liability to fallow assessment on lands, whether on inundation or on perennial canals, should be submitted to the Mukhtiarkar by the 31st March. Such applications are exempt from court-fee stamp under Government of India notification No. 4385-S. R., dated the 19th August 1901.

(iii) Applications received after the prescribed dates will not be enquired into except under the orders of the Sub-divisional Officer.

(iv) Every application received must be at once entered in a register to be kept in the appended Form A, unless it omits to specify the survey numbers on which postponement of liability is claimed, in which case the Mukhtiarkar shall immediately inform the applicant why it has not been registered. Such application may, however, be entered in the register subsequently if the Sub-Divisional Officer so directs. The Mukhtiarkar shall permit an applicant to correct any obvious error in entering the number of the survey numbers for which postponement is applied for.

(v) In the case of floods due to a breach in a canal or of insufficiency of water, the Sub-Divisional Officer should obtain from the Executive Engineer his opinion on the working of the canal concerned.

(vi) The Mukhtiarkar should commence the inspection of lands as soon as possible after receipt of the applications. He should at once note the result of his inspection in the prescribed form, which should be signed and issued to the applicant on the spot. Amins are not required in dealing with these claims.

(vii) An applicant may appeal to the Sub-Divisional Officer against the Mukhtiarkar's refusal to recommend postponement within fifteen days of the date of receipt of the order, attaching to his petition the form issued to him. No second appeal lies to the Collector.

(viii) The Mukhtiarkar should record the result of his inspection below the application, giving details of the area, assessment, source of irrigation and reason for recommending postponement of liability in respect of each survey number separately.

(ix) The Mukhtiarkar after completing his enquiries should draw up a statement in the attached Form B and submit it by 15th May to the Sub-Divisional Officer, who, after personal enquiries in as many cases as possible, should submit it with his recommendation against each entry to the Collector for sanction before 1st July.

(8). In addition to the postponement of liability to the fallow assessment under No. 7 above, the Commissioner may authorize the suspension of fallow rules 2 and 5 in any well defined tract where it can be shown that there is a general deficiency of water-supply or that owing to other circumstances beyond the control of the land-holders cultivation is impeded. Before submitting proposals for suspension, District Officers should ordinarily consult the Public Works Department Officers, even when it is proposed to suspend the rules for one year only.

(9). Nothing in rule 5 (*i*) of the Fallow Rules shall be held to debar a number, which, having paid no assessment for four consecutive years, is cultivated in the fifth year, from participating in any general remissions to which the occupant may be otherwise entitled under the ordinary remission rules.

(10). Dehwar lists prepared by the Tapedar of survey numbers liable to fallow assessment must be prepared in time for scrutiny by the Mukhtiarkar and for examination by the officer doing the Jamabandi. The assessment on such numbers shall be due during the 1st Rabi instalment period. If the assessment is not paid by the prescribed date, notice of demand should issue under section 152, Land Revenue Code, and if it is not paid within the time specified in the notice the land in respect of which the arrears are due shall be liable to forfeiture under section 153, Land Revenue Code. By the 25th June the Tapedars should send the list to the Mukhtiarkar noting the survey numbers on which the assessment has been paid, with as many copies of the proclamations and notices prepared in the form appended as there, are defaulters together with three spare copies to be affixed one in the Tapedar's dera, one in the Mukhtiarkar's or Mahalkari's office and one in the Collector's office. The Mukhtiarkar should sign the notices and have them published by the 30th June in the manner shown in section 166 of the Land Revenue Code. Under clause (*b*) of the proviso to section 153 of the Land Revenue Code an occupancy cannot be declared forfeited until after the expiration of at least fifteen days from the latest date on which any of the notices

was affixed; it is therefore incumbent on the Mukhtiarkar to ascertain the date on which the notices were so affixed on the Tapedar's dera and in the Collector's office. The dehwar lists of survey numbers prepared by Tapedars should then be revised in the Mukhtiarkar's office, the numbers on which the assessment has been paid or postponed being omitted. The Mukhtiarkar should submit the revised lists to the Sub-Divisional Officer by the 15th of July, reporting at the same time the latest date on which any of the notices was affixed. The Sub-Divisional Officer, not earlier than fifteen days after that date, should declare the the survey numbers to be forfeited and communicate his order to the Mukhtiarkar together with sanction to the writing off of the assessment due on forfeited numbers. This order and sanction should ordinarily be in the hands of the Mukhtiarkar by the 25th July. Any occupant wishing to pay assessment on any survey numbers notified for forfeiture before the end of the year may of course do so; on receipt of intimation of such payment from the Tapedar, the Mukhtiarkar will strike the numbers off the list and communicate the fact to the Assistant Collector.

(11) When Nakashto or conditional assessment charged under rule 2 on lands taken up from Government is neither paid nor postponed under the order of the Collector, it should be remitted and written off and the survey numbers concerned forfeited under the same procedure as is laid down in rule 10 above for time expired fallow numbers.

(12.) The Manager, Incumbered Estates in Sind, is authorized to grant postponement of recovery of the fallow assessment due on survey numbers comprised in estates under his management.

RESTORATION AND LIEN.

(PART II OF THE REFERENCE).

16. We now pass on to the second part of our reference, *i e.* "more particularly to consi ler the question of the restoration to the original holders of lands forfeited under the rules, the conditions on which such restoration should be made, to what extent, *if any*, such holders have a lien on lands so forfeited, and what interpretation has been placed upon the rules by successive Commissioners in Sind".

As the question of restoration must depend to some extent, if not altogether, on the question of lien, we propose to discuss that point first.

17. It will be observed that in the questionnaire question No. 17 runs as follows:—

> "Do you consider that in Sind the Zamindar or Government is the owner of the soil?".

This question was formulated by our non-official colleagues, apparently in order to challenge the legality of the application of the Land Revenue Code to Sind. The answer given by Rai Bahadur Hiranand (No. 33) represents the extreme view on this point. He says "Government was not and is not the owner of soil in Sind. It is Zamindar who is the owner. The Government of Bombay at the time that Sind was annexed to Bombay committed an act of spoliation when they constituted themselves as owners and reduced the Sind zamindar to the level of the Deccan ryot, and styled him in the language of the Bombay Land Revenue Code as 'occupant' which is defined as 'holder in actual possession'. The connection of Sind with Bombay has been and will remain an unfortunate one, until this wrong has been righted". In other words Rai Bahadur Hiranand and some other non-official witnesses (*e.g.*, No. 35 Mr. Khilnani) maintain that the Zamindars of Sind had and have proprietary as opposed to occupancy rights in all lands that are on their khata. Our non-official colleagues wished a full discussion of this question to be included in the report, but the Chairman ruled it out of order, as the Committee had not been asked by Government to discuss the legality of the Land Revenue Code. The question referred to this Committee is not whether Government are owners of the land, or whether they have a right

to forfeit land for non-payment of arrears under section 150 (*b*) of the Land Revenue Code, but whether the original holders have any lien on such lands after forfeiture.

18. The legal position appears to us to be perfectly clear. Neither in the Land Revenue Code, nor in the Fallow Rules, is there any mention either of a lien or of a right to restoration. Nor during the forty years that have elapsed since the rules were framed has any attempt ever been made in the Courts either to dispute the right of Government to forfeit lands for non-payment of assessment, or to establish a right to restoration. Seeing that at least 6½ lakhs of acres have been forfeited in the last twenty years and that there are now nearly 4 lakhs of acres under forfeiture in the Barrage area alone, it seems to us inconceivable that some one should not have tested the legal position in the Courts if there were even the faintest doubt about it. The explanation given by Rai Bahadur Hiranand (No. 33) that the Sindhi zamindar is too timid to file a suit against Government in a court is hardly adequate, in the light of the history of the last twenty years. The only adequate explanation is that the zamindars have no strictly legal claim and know it. But at any rate the evidence shows clearly that they all firmly believe that they have a moral claim and think that in equity, if not in law, they are entitled to a restoration of their forfeited fallows.

19. We now have to consider what is the justification for this belief and whether successive Commissioners in Sind have or have not encouraged it by their official utterances. As has been said above, there is no question of any difference in the interpretation of the Fallow Rules, since they are not in any way concerned with restoration, the difference, if it exists in fact, is to be found in the system of land grants, as laid down by Commissioners from time to time in their official orders and circulars.

20. We quote below in chronological order the various instructions and decisions which bear on the question :—

Mr. (afterwards Sir) Evan James.—

Paragraph 6 of Special Circular No. 67, dated 21st December 1891.—"The refusal of even fallow lands forfeited for non-payment at the end of fallow term should be granted to the old holders first, unless there be any special objection. Mr. Erskine intended this. The disposal of fallow lands is like the disposal of other waste, a matter entirely for the Collector's judgment. He can sell it by auction, give it back to the old owner (*a*) for a fixed price (if there has been any wilful neglect) or (*b*) on payment of the revenue for which the number was forfeited (and in most cases this will be the rule), or give it back for nothing."

Paragraph 14 of Special Circular 79, dated 7th August 1893, on "Malkana and Land Grants".—"Forfeited fallows should ordinarily be given back to the original owner on payment of malkano equal to one year's assessment, but they may be given to the original occupant free of malkano, if the Assistant Collector is of opinion that they have remained uncultivated without any fault or negligence on the part of the former occupant. If another person applies for forfeited fallows, they should first be offered to the original occupant on payment of arrears as above laid down."

Paragraph 7 of Special Circular No. 87, dated 24th March 1900.—"Suggestions have also been made that the fallow period should be extended from 5 to 7 or even 10 years, with a forfeiture of any lien on the land, such as exists at present. But the Commissioner does not consider any change in the period prescribed by the present rules at all advisable, and is not prepared to recommend to Government to alter the existing system. Although 13 years have passed since the Fallow Rules were made, the people in many places have not yet realised fully their object and force. It would be, in the Commissioner's opinion, impolitic in the highest degree to alter what is now one of the most essential incidents of land tenure in Sind, and one of the wisest measures devised by Mr. Erskine (on the advice of a strong committee of Sind officers) to adjust the Bombay system of settlement to this Province.

Even if a change were supposed to tend towards theoretical perfection (and that it would do so the Commissioner does not believe) any change now would perplex and disturb the whole of the land owning classes, who are extending cultivation very satisfactorily. Moreover whatever rules may be made on paper, the sense of proprietorship in fallow forfeited lands would still remain, and the ignoring of it would be practically impossible, or at least appear an outrage on the cultivator's sense of what is just. The Commissioner will, therefore, leave well alone.'

Mr. R. Giles—

Memorandum No. 533, dated 21st February 1902, to the Collector of Hyderabad.

"The Commissioner thinks he sufficiently indicated his view that no actual ownership vests in the *ex*-khatedar of a forfeited fallow number, by confirming a substantial fine in the case of Mir Aval Shah. None the less the prescriptive right of the *ex*-khatedar to the restoration of such numbers (with the trees, if any, standing thereon), should ordinarily be recognized whether the relinquisher applies for the restoration or not, and taken into consideration when an application is made for their restoration.

Forfeited fallow numbers are rather to be regarded as lands held in deposit pending the payment of the arrears of land revenue due from them than as lands finally forfeited to Government. As the Commissioner has frequently explained to Government in the Land Revenue Reports, the forfeitures are more nominal than real.

In order to avoid misunderstanding the Commissioner may add that notwithstanding the prescriptive right referred to above, the *ex*-khatedar has no indefeasible legal right to the regrant of a forfeited fallow number, and where there are special reasons against such a request, *e.g.* vicinity to a village, the requirements of the Forest or any other Department or when a number has been left on the forfeited list so long that it may practically be said to have been abandoned &c., the Collector is perfectly competent to refuse the regrant. But these are exceptional cases, and ordinarily an *ex*-khatedar should be regarded as having a vested interest in his forfeited fallow numbers and should be treated accordingly."

Mr. Barrow—

Memorandum No. 1568, dated 20th May 1915, to all Collectors.

"Fallow forfeited survey numbers are the absolute property of Government as much as any other unoccupied land and the person from whom they are forfeited has no right in law to have them restored to him. Although the present policy, in most cases, is to restore such survey numbers under certain conditions to the former occupants the Collector has still full discretion to depart from this practice and to refuse such applications whenever he considers it expedient to do so. He is at liberty to refuse to recognize Civil Court Decrees in respect of such survey numbers as is clearly shown in the Commissioner's Circular No. 6 :5 quoted above".

Mr. Lawrence—

In 1917 the Manual of Commissioner's Special Circulars was revised and republished by Mr. (now Sir Henry) Lawrence.

Paragraph 6 of Special Circular No. 23 in the Revised Manual runs as follows:—

> "6. Although the ordinary practice hitherto followed has been to restore fallow forfeited survey numbers to the occupants from whose khata they were forfeited, it should be distinctly understood that such restoration is merely an act of grace, the *ex*-occupants having no indefeasible legal right to it. Where there are special

reasons against regrant of such survey numbers, *e g.*, vicinity to a village, the requirements of the Forest or any other Department, or when the numbers have been left on the list of forfeiture so long that they may practically be said to have been abandoned the Collector is at liberty to refuse the application of the former occupants. It should be borne in mind that fallow forfeited numbers being the property of Government, Civil Court decrees in respect of them are not binding on the Collector."

Mr. Mountford—

In 1922 an enquiry was made as to the levy of malkano on restoration of fallow forfeited lands more than 10 years old, and it was found that the practice in 5 districts out of 7 was to consider lands which had been under forfeiture for more than 10 years as 'abandoned' in the sense of paragraph 6 of Special Circular No. 23. Mr. Mountford accordingly issued the following amendment in his No. 58-B., dated 19th November 1923, as rule 14 of Part II of the Circular.

"When fallow forfeited numbers are restored within 10 years of the date of forfeiture to their former occupants on the ordinary tenure (*vide* paragraph 18 below) only the fallow assessment on account of non-payment of which the numbers were forfeited should be levied by way of malkano and no payment should be demanded on account of trees standing in the land. This concession should not however be taken as in any way affecting the sole right of Government to the timber or as giving the previous occupants any sort of claim to the same so long as the numbers remain unoccupied. When the numbers are given to persons other than former occupants or when they are restored to the former occupants more than 10 years after the date when the payment of fallow assessment became due, malkano and the price of trees should be recovered in the same way as in the case of other Government unoccupied lands."

Mr. Rieu—

In his No. 1829-I., dated 13th March 1923, the Commissioner issued the following orders to all district officers :—

"The Commissioner is pleased to direct that, from the date of this circular and pending further orders, all restoration of fallow forfeited land within the area commanded by the Sukkur Barrage should cease absolutely."

In his Circular No. 1309, dated 17th March 1923, Mr. Rieu also issued the following order :—

"The Commissioner in Sind is pleased to direct that in future fallow forfeited land shall not be regranted on any canal on which there is for the time being restriction against the giving out of fresh land, unless the following two conditions are fulfilled :—

(1) that the land was fallow forfeited on a date subsequent to the imposition of the restriction provided that the forfeiture is not more than 10 years old.

(2) that its regrant does not necessitate the provision of any new karia or the widening of the inlet of any existing karia ".

21. It is open of course to every one to put their own interpretation on these instructions, but we cannot find in them anything which could fairly be described as a 'pledge', although most of the non-official witnesses have given a very strong affirmative answer to our question 19. All of the passages quoted above are executive instructions to district officers about the disposal of land, and even if they were all in favour of recognizing any absolute lien on forfeited lands (which is certainly not the case) they cannot fairly be construed as promises to the

Zamindars to whom as a matter of fact they were never directly communicated. On the other hand we readily admit that as a result of these instructions there grew up an almost universal belief that forfeited lands would be restored to the original occupants on payment of fallow assessment, and a general, if not universal, practice of restoration to any former occupant who applied. It was not until after 1915 that District Officers began to recognize even 10 years' forfeiture as extinguishing a claim to restoration on payment of fallow assessment. Before that time, therefore, land was allowed to be forfeited in the belief that it would be restored on application, and there can be no question that the general practice justified that belief. And in these circumstances, although we hold that there is no lien in the sense of any legal claim, and that not one of the orders of any Commissioner from the very beginning can be regarded as a 'pledge', yet the practice of restoration was so general for a period of at least 25 years that the zamindars quite naturally came to regard it as a normal part of the system and to arrange their cultivation accordingly. And as Government and its Officers encouraged them to do so it is not possible for Government now to refuse to admit that a lien, in the sense of an equitable claim, does exist.

22. There remains for consideration the terms on which such restoration should be made.

It may be admitted that there is no logical reason why lands forfeited for non-payment of fallow assessment should necessarily be restored to their former owners any more than lands forfeited for non-payment of any assessment. But (as we have indicated above in paragraph 21) we consider that in view of the practice long prevailing in Sind former owners have a claim to restoration which it would be unjust to ignore. It seems reasonable to regard this claim as diminishing in force in proportion to the number of years which have elapsed since the land was fallow forfeited. But even in cases of the oldest forfeitures, we think that the claim does to some extent persist. For this reason we consider that throughout Sind former occupants or their heirs should ordinarily be allowed the first refusal of lands forfeited from their khata for non-payment of fallow assessment, provided that they are in a position to cultivate them if restored. We do not consider that this privilege should be extended to those to whom former owners have disposed of their rights by sale, gift, or mortgage effected after the lands have been forfeited and have been entered on the Government khata. For obviously no transfer effected after the land has ceased to be the property of the transferrer has any legal force, or can be regarded as in any way binding on Government. In the event of such transfers the Collector should be at liberty to ignore both the transferrer and the recipient.

23. When considering the question of the terms and conditions on which such restorations should be made, it is once again necessary to make a distinction between the Barrage and non-Barrage areas. In the latter the value of the land when restored is not as a rule likely to differ very widely from its value before forfeiture. So far as lands forfeited within ten years are concerned it has always been and still is the practice to restore them to their former holders on payment of a malkano which is equal to the arrears of fallow assessment. We see no reason to change this practice.

24. Even in respect of lands forfeited more than ten years ago we do not consider that the former owners should be ignored, since at the time their lands were forfeited they had every reason to expect that they would be able to get them back. Had they thought otherwise, it is possible that some at least of them would have paid the fallow assessment in time and saved their land from forfeiture. It does not however necessarily follow that the land should be restored in all such cases on payment of single fallow assessment. Had the occupants retained the lands on their khata, they would in the course of ten years have had to pay fallow assessment twice, and in fifteen years three times, and so on. It would therefore not be unreasonable to charge a higher rate for lands forfeited more than ten years ago, and we recommend that this should ordinarily be twice the fallow assessment, subject to a maximum equal to the usual malkana of the deh. In reckoning this period of ten years, all years in which restoration has been restricted should be

excluded. Of course if a zaminder declines to accept a number on these terms, and some one else can be found who is willing to take it up, the Collector should be at liberty to grant it to an outsider on the usual terms. As regards lands that may be fallow forfeited hereafter, however, we consider that the former owners' equitable right to a first refusal might well be limited to ten years after forfeiture.

25. On canals on which restriction has been imposed for lack of water, restoration must of course be postponed until such time as the restriction is removed. In the event of a partial restriction, preference should ordinarily be given to the regrant of fallow forfeited numbers which are capable of irrigation and cultivation, as against the grant of new lands. We are further of opinion that in order to facilitate restoration of fallow lands, the early removal of restriction is desirable, wherever it may be possible. We understand that Public Works Department authorities are already considering how this end can best be attained.

26. In the Barrage tract the position is very different. It is true that here also the same general principle holds good, and that the former owner or his heirs have ordinarily an equitable claim to restoration. But in this tract, when land is restored, the former owner will be receiving land vastly more valuable than it was when it was fallow forfeited. And the longer the land has been lying on the Government khata, the greater will probably be the difference between its original value when forfeited and its prospective value when restored. This great enhancement of value will be due almost entirely to the construction of the Barrage, and the introduction of an assured and in most cases a perennial supply. There can be no good reason why the former owner should retain the whole of this unearned increment, and the State which pays for the Barrage, receive no share It is therefore obviously necessary in the Barrage area to charge for restored fallow lands a malkano very much higher than the arrears of fallow assessment for which land was forfeited. The Revenue Officer has calculated that if all forfeited fallows were restored on paymunt of fallow assessment only, this would involve the State in a loss of 367 lakhs, assuming an average market value of Rs. 100 per acre for the land. It seems unnecessary to elaborate the point further.

27. We understand that Government have undertaken to make certain very generous concessions in respect of 'mohag' lands, *i.e.*, to offer to original zamindars a certain amount of land lying on their immediate frontage at a rate greatly below its market value. Now we consider that a zamindar's equitable claim to the restoration of land recently fallow forfeited from his khata is stronger than any claim he may possess to waste land lying on his 'mohag.' But the claim to a fallow forfeited land diminishes in force in proportion to the time that has lapsed since forfeiture. Therefore in the case of old forfeitures, although the former owner in our opinion still retains some claim to restoration, we are not prepared to hold that this requires the land to be regranted to him at the same rate as for recent forfeitures, or at as low a rate as that fixed for 'mohag' land.

28. We propose therefore that all lands forfeited not more than ten years before the year 1924-25 (from which year the fallow rules were suspended in the Barrage area) should be offered to their original owners or their heirs at a malkano equal to 75 per cent. of whatever concession rate may be fixed for 'mohag' lands. Lands forfeited more than ten years before that year should be similarly offered at a rate double the above, *i.e.*, at $1\frac{1}{2}$ times the concession rate for 'mohag' lands. It is probable that some survey numbers which have been fallow forfeited may also lie on the immediate 'mohag' of their former owners and will therefore fall into both categories. Such land should be charged only the concession rate for 'mohag' land if this is less than the fallow malkano leviable under our proposals. In the case of khatedars of moderate means we recommend that the malkano, if any substantial sum is involved, be recovered by instalments.

29. Our non-official colleagues are anxious that the Committee's proposals should fix a definite rate of so many rupees per acre as the malkano to be charged for fallow forfeited land in the Barrage. No doubt it would be in many ways much more satisfactory if we could name a definite price and say that this is the

lowest price which can be suggested if the Barrage is to pay its way, and this therefore should be fixed. But we at least possess no information regarding the financial prospects and conditions of the Barrage on which to base such a calculation. We note that Mr. Baker, the Revenue Officer, has suggested that lands forfeited within ten years should pay the ordinary concession rate of malkano, which he says might amount to Rs. 20 per acre. But we are unable to ascertain from him the calculations on which this figure of Rs. 20 was based, and are therefore unable to adopt it as the basis of our own proposals. We consider that there are good grounds for recommending that the malkano charged for fallow lands should bear a certain relation to that fixed for 'mohag' lands. It would also be not unreasonable perhaps to suggest that it should bear a certain relation to the market value of the land, though in practice this would be open to the objection that the market value of any given survey number would be very difficult to ascertain without auction. But we can think of no good grounds on which to base any proposal for a fixed all round rate for fallows, irrespective alike of the market value and of the concession rate for 'Mohag' land.

30. We would recommend that in dealing with the regrant of forfeited lands in the Barrage area, the Revenue Officer should be allowed discretion to grant not the actual land forfeited, but land equal to it in area and approximate value whenever he may find such a step necessary in order to make up compact holdings. It is probable that some of these fallow forfeited lands will consist of small isolated patches scattered about amid large blocks of waste land. If they must necessarily be restored to their former owner in their present position and shape, the problem of disposing of the waste lands will be very greatly complicated.

31. We are of opinion that all regrants of fallow forfeited land in the Barrage area should be accompanied by a strict prohibition against alienation for a term extending to at least ten years after the date on which the Barrage irrigation is introduced into the deh in which the land is situated. Unless this is done, an owner who has received the land at a price representing a mere fraction of its market value, will be able to dispose of it at a profit to outsiders: and it is perfectly certain that a very large number will do so. Not only will this mean that the original zamindars of Sind will lose most of the benefits of a concession expressly intended to secure them in the possession of their lost lands, but it will certainly reduce the price which Government may expect to obtain in open auction for their own waste lands.

32. We have also considered the question when the restoration of fallow lands should take place in the Barrage area, and if at once, whether it should be on the condition that cultivation shall not commence till the land can receive Barrage irrigation. It seems obvious that on those inundation canals where the water-supply is deficient, and restriction has been imposed on that account, the newly restored lands could not be cultivated from the existing canals without prejudice to the water-supply of lands already occupied. In their case therefore immediate restoration is not advisable. Doubtless the Revenue Officer will be able to arrange for the regrant to be made in sufficient time to enable the owners to prepare the land for cultivation to be undertaken as soon as they can receive Barrage water.

33. But there are doubtless some lands on existing canals for which an adequate water-supply is immediately available. We recommend that such lands should be restored as soon as the Revenue Officer can conveniently arrange to carry out the restoration without prejudice to his programe of land sales: and that the grantees be permitted to irrigate their lands at once from the existing canals, until such time as Barrage irrigation commences.

(Sd.) W. F. HUDSON.

(Sd.) S. H. COVERNTON.

(Sd.) C. M. LANE.

APPENDIX A.

Questionnaire.

The Fallow Rules Committee would be grateful if you would favour them with answers to such of the following questions as may be within your knowledge and experience. Question No. 1 (*c*) (i) to (vi) are intended for zamindars only. The answers may kindly be sent in by the 5th November at the latest.

1. (*a*) What is your name, caste, residence and profession?

(*b*) What experience have you of the Sind Land Revenue system?

(*c*) If you are a zamindar, then—

(i) on what canal are your lands situated, and in what taluka?

(ii) are your lands flow or lift?

(iii) what kind of crops do you raise?

(vi) how much roughly of your lands do you cultivate every year?

(v) have you ever paid fallow assessment: if so, how much per year during the last ten years? To what extent, if any, have your lands been forfeited for non-payment of fallow assessment during the above period?

(vi) what were your reasons for leaving the land uncultivated for a continuous period of 5 years?

2. (*a*) Does the quality of soil in Sind permit its being cropped year after year? If not, how long a period is needed for fallows to renovate the soil?

(*b*) Do zamindars experience difficulty in securing agricultural labour, and is the labour available at present insufficient?

(*c*) What are the chief reasons which compel a zamindar to leave his land fallow for two, three or more years?

(*d*) Is rotation of crops practised in Sind? Do some zamindars grow different crops, *e.g.*, juwari and wheat every year without manure?

Do some zamindars grow the same crop every year without manure?

Do some zamindars grow restorative crops, *e.g.*, chana, in alternate years?

If so, why cannot land be cultivated every year?

(*e*) Are there difficulties in the way of securing sufficient quantities of manure for the fields?

3. Are you in favour of the abolition or modification of any of the fallow rules? If so, which? Give reasons.

4. If you favour retention of fallow rule 4, would you advocate a longer or shorter period than 5 years for the purpose of fallow assessment? If so, give your reasons.

5. Can the levy of fallow assessment be defended as a tax on undeveloped land?

6. In other parts of the Bombay Presidency, assessment is levied on land from year to year irrespective of the question whether it is cultivated or not. Is there any special reason why in Sind only cultivated lands should be assessed? Is this justified by any peculiar conditions of Sind?

7. Do you know whether in pre-British days the Mirs levied battai in right of proprietorship over the land or by way of tax, and whether they made any

charge for fallow land: what was the system of occupancy? The authorities for your answer should be stated.

8. (*a*) Is rule 4 of the fallow rules necessary or desirable in the interest of Government, and if so, why?

(*b*) Does it affect injuriously the interests of the zamindars, and if so, how?

(*c*) Does the fear of the imposition of fallow assessment compel zamindars to cultivate lands which they would not otherwise have cultivated?

9. Do you consider that Government gain anything by the forfeiture of land for non-payment of fallow assessment? Give reasons for your reply.

10. What were the reasons which Government had in view when originally introducing the fallow rules, and especially rules Nos. 1, 2 and 4? Do those reasons still hold good, or has any change in circumstances, made the retention of the fallow rules no longer necessary?

11. Do you object in particular to any of the changes which have been introduced in the fallow rules from time to time, and if so, which?

12. Do you approve of the amendment recently made in rule 7 whereby postponement of fallow assessment has been substituted for remission? State your reasons,

13. (*a*) If an adequate water-supply is guaranteed, would you still advocate abolition of rule 4 as applied to lands lying uncultivated?

(*b*) Would such a guaranteed supply either render fallows altogether unnecessary, or reduce the existing period of fallows?

14. Are you in favour of the separation of water tax from land tax (*a*) on perennial irrigated lands, and (*b*) on lands cultivated with kharif water only on inundation canals? Would zamindars be prepared to pay land tax only, without water tax, each year on land lying uncultivated?

15. Before the introduction of the irrigational settlement of 1875, Sind had what was known as a fallow diffused settlement. Which of the two systems do you prefer, and which was in your opinion more favourable to the agriculturalist? Please give your reasons.

16. Do you consider that the levy of full irrigational combined rates including both water rate and land rate on fallow land when no canal water has been used is fair?

17. Do you consider that in Sind the zamindar or Government is the owner of the soil? Give reasons in support of your view.

18. Do you consider that the zamindar has any lien over fallow forfeited lands? If so, what are your reasons? Do zamindars generally consider themselves as proprietors of fallow forfeited lands and regard them as merely held on deposit, till the payment of the fallow arrears due on them; or regard the restoration of fallow lands as an act of grace?

19. Were any pledges given by the Commissioner in Sind that lands forfeited for non-payment of fallow assessment would be restored to their former owners? Do you consider that these pledges are still being fulfilled? If not, since when have they been disregarded?

20. Do you approve of the prohibition recently imposed on the restoration of fallow forfeited lands irrigated from a canal which is subject to "restriction" if they were forfeited before the restriction was imposed? Reasons for your answer should be stated.

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21. Is deficient water-supply in a canal a good reason for not permitting the immediate regrant of fallow forfeited lands on that canal?

22. Are you in favour of retaining a time-limit within which old fallow forfeited lands should be restored on payment of fallow assessment, and if so, what time-limit do you suggest?

23. Are you in favour of the restoration of fallow forfeited lands to their original holders or their heirs, and if so, on what terms, (*a*) now, in non-Barrage areas, (*b*) in the Barrage area now before the opening of the new canals, and (*c*) in the Barrage area after the opening of the new canals.

24. Do you approve of the temporary suspension of regrants of fallow forfeited land which has been ordered within the Barrage area? Reasons for your reply should be stated.

A. K. MAHOMED HUSSAIN,
Secretary, Fallow Rules Committee.

Karachi, 6th October 1925.

APPEDIX B.

List of witnesses to whom the Questionnaire was issued.

OFFICIALS.

1. Mr. C. M. Baker, C.I.E., I.C.S., Revenue Officer, Lloyd Barrage and Canals Scheme.
2. Mr. C. S. C. Harrison, Chief Engineer, Lloyd Barrage and Canals Construction.
3. Mr. A. Gordon, Executive Engineer, Lloyd Barrage and Canals Construction.
4. Mr. D. R. Sawhney, Superintending Engineer, Eastern Nara, Lloyd Barrage and Canals Construction.
5. Mr. V. N. Vartak, Chief Engineer in Sind.
6. Mr. H. L. Francis, Executive Engineer, Public Works Department, Sind.
7. Mr. D. H. Punwani, Executive Engineer, Eastern Nara.
8. Mr. Chainrai Bulchand, Daftardar to the Collector of Karachi.
9. Mr. Hotchand Chandumal, Deputy Collector, Tatta.
10. Mr. I. H. Taunton, I.C.S., Collector of Hyderabad.
11. Mr. Valabdas Parumal, Deputy Collector, Tando.
12. Mr. C. G. Henderson, I.C.S., Collector of Thar Parkar.
13. Mr. Nuruddin Sidiki, Deputy Collector, Nara Valley.
14. Mr. Hardasmal Udernomal, Collector of Nawabshah.
15. Mr. Ghulam Sidik Mahomed Usman Isani, Deputy Collector, Nawabshah.
16. Mr. L. N. Brown, I.C.S., Collector of Sukkur,
17. and with one spare copy for an officer subordinate to him.
18. Mr. Hamid A. Ali, I.C.S., Collector of Larkana.
19. Mr. Vastiram Dialmal, Deputy Collector, Mehar.
20. Deputy Commissioner, Upper Sind Frontier.
21. Mr. R. H. Davies, Assistant Collector, Larkana.
22. K. B. Nabi Baksh, Manager, Incumbered Estates.
23. K. S. Nur Nabi, Revenue Assistant Commissioner.
24. Mr. Gurdasing Teumal, Daftardar to the Collector of Sukkur.
25. Mr. Chetanram Lala, Land Acquisition Officer, Larkana.
26. K. S. Mahomed Baksh Illahi Baksh, Deputy Collector, Naushahro.
27. K. B. Gul Mahomed Abdul Rahman, Acting Deputy Director of Agriculture.

NON-OFFICIALS.

Karachi District.

28. Sayed Haji Abdul Rahim Shah, Sujawal.
29. Mr. Mahomed Jaffar Khwajo, Mirpur Bathoro.
30. K. B. Wali Mahomed Hassan Ali, M.L.A., Secretary Sind Mahomedan Association, Gharrikhata, Karachi.

31. Mr. Arbab Haji Khamiso, M.L.C.
32. K. B. Khair Baksh Laghari.
33. Mr. Harchandrai Tahilram, Zamindar, Tatta.
34. Mr. Arbab Haji Khamiso, Representative of the Karachi District Zamindar's Association.

Hyderabad District.

35. Rai Bahadur Hiranand Khemsing, Hyderabad (Sind.)
36. Rai Sahib Udharam Shewakram, Hyderabad (Sind.)
37. Sayed Haji Abdul Hakim Shah, Zamindar, Tikhar, taluka Guni.
38. K. B. Mir Ghulam Mahomed Khan, O.B.E., Tando Bago.
39. Sayed Nabi Baksh Shah, Badin.
40. Mr. Wali Mahomed Khan Notkani.
41. Mr. Akhund Atta Mahomed, Matiari.
42. Mr. Khalifo Allah Baksh Nizamani.
43. Mr. Idanmal Menghraj, Secretary, Tando Zamindars' Association
44. Mr. Haji Mahomed Haji Ismail Patoli, Tando Allahyar.

Thar Parkar District.

45. Mr. Sayed Ghulam Nabi Shah, M.L.C., Mirpurkhas.
46. Mr. Jan Mahomed Khan, M.L.C., near Head Post Office, Hyderabad.
47. Mr. Sahibsing C. Shahani, Principal, D. J. Sind College, Karachi.
48. Mir Ghulam Shah wd. His Highness Mir Fateh Khan.
49. Mr. Dingomal Hukumatrai, Hyderabad (Sind.)
50. Mr. Allah Baksh, Secretary, Muslim Zamindars' Association, Mirpurkhas.
51. K. S. Sher Shah.
52. Babu Sundersing.
53. Mr. Darshansing Bakshi, Secretary, Jamrao Sikh Association.

Nawabshah District.

54. Mr. Mirza Farrukh Beg, Bar-at-Law, Nawabshah.
55. Sayed Murad Ali Shah, Bhiria.
56. Mr. Haji Gul Mahomed Khan Khero, village Malik, Moro.
57. Mr. Haji Imam Baksh Khan Jatoi, M.L.C.
58. Rai Sahib Tharumal Bilaram.
59. Captain Ajaib Ali Shah.
60. Mr. Manohardas Kouromal.

Sukkur District.

61. Mr. Allahdino Rahujo.
62. Mr. Ghulam Nabi Mahar.
63. K. B. Jan Mahomed Khan Pathan, M L.C., Municipal Councillor and Honorary Magistrate, Shikarpur.

64. Wadero Mahomed Panah Dakhan.
65. Sheikh Ghulam Mahomed, Retired Deputy Collector.
66. Mr. Abdul Rahman Pirzado.
67. Rai Sahib Gokalsingh.
68. Mr. Pahlajani Bhojsingh, M L.C.

Larkana District.

69. Representative of Mahomedan Association, Larkana District.
70. K. S. Ghulam Mahomed Khan Isran.
71. K S. Ali Hassan Hakro, President Municipality, Kambar.
72. Serai Sultan Khan Jatoi.
73. Mr. Aildas, Nasirabad.
74 Diwan Bhojraj, Taib, Ratodero.
75. Mr. Mahomed Sidik Wagan, Wagan, taluka Warah.
76. Mr. Kundansingh Lahori, Retired Deputy Collector.
77. Wadero Jan Mahomed Khuhro.

Upper Sind Frontier District.

78. K. B. Chakar Khan Suhriani.
79. K. B. Dilmurad Khan Khoso.
80. Mr. Osto Abdullah.

APPENDIX D.

HISTORICAL NOTE ON FALLOWS IN SIND.

The question of fallows appears to have been first discussed by Sind Revenue Officers in 1862. It was admittedly the general practice with zamindars to allow their lands a period of fallow, cultivating them in some cases every second year, but more generally every third year. Considerable difference of opinion was found to exist as to the necessity of fallows. Captain Haig, Settlement Officer, was of the opinion that no fallows were required. Major Francis, Superintendent, Revenue Survey and Assessment, observed as follows :—

> "It is not improbable that fallows might be dispensed with, were an improved system of tillage and a rotation of crops introduced, as suggested by Mr. Inverarity. But as it is almost the universal custom of the country to allow them and as the population is said to be insufficient for the cultivation of the large areas of land available for this inundation wheel cultivation, it would be almost impossible to introduce a different system of cultivation from that which now obtains. To me it appears, that if we attempt to fix an assessment, based on the theory that fallows are unnecessary and calculated on the value of a crop to be annually produced from these lands, our settlements would be extremely unpopular with the zamindars and the relinquishment of great part of their land would be the result of such a measure. But putting aside the question as to whether fallows were formerly recognized, or whether they would be necessary under an improved system of tillage, it would be mistaken policy, in my opinion, to introduce a system of settlement opposed to the universal custom of the country in such matters. It is of great importance to the success of the settlement of land revenues of this Province that our plan of operations should be popular among an influential class like the zamindars."

The same officer, when he was placed on special duty to report on the plan of classification and settlement suitable for adoption in the Sind survey, made the following observations in his report, dated the 16th March 1863 :—

> "Agriculture may certainly be said to be in a very primitive state at present in Sind. No rotation of crops is practised while the application for manure is by no means general. The non-observance of these first principles of agricultural chemistry is not of much importance perhaps as regards the cultivation of lands which are annually flooded, as they are fertilized and renovated by the deposit left by flood waters, but in others not so circumstanced (and they form by far the greater portion of the culturable land), it is a matter of serious consequence, as it necessitates the use of fallows as a means of renovating the soil. The observance of such a practice would be a very serious matter indeed for the welfare of the people, if Sind were a thickly populated country: but as its population is insufficient for the cultivation of its culturable area, the effect of such a wasteful system of tillage is not felt to the extent it would be under ordinary circumstances (paragrap 56)."

> "My enquiries upon the subject have led me to the conclusion that the very best soils of the kind can be cultivated only every other year with advantage as a general rule. It is the common practice to allow two fallows after a year of cultivation in middling, and three or four in the poorest soil; and I am persuaded it would be unsafe to disregard the common practice in this respect. Our assessment should, therefore, in my opinion, be calculated on consideration of the soil being productive only to the extent indicated above."

Mr. Mansfield, then Commissioner in Sind, expressed his entire concurrence with Major Francis on the question, in his letter No. 196, dated the 9th July 1863, to the address of the Government of Bombay. Government in paragraph 10 of

their letter No. 3888, dated the 4th November 1868, remarked as follows :—

> " With regard to the question of fallows touched upon by Major Francis, it is one that can be adequately disposed of only by the Settlement Officer when he comes to fix his assessments. Consideration of soil and practice must guide the decision in each case ; no rule on the point can consequently be laid down."

II.

The first revenue settlement introduced in Sind was the fallow-diffused settlement, under which fallows were allowed for in fixing the assessment, that is to say, the cultivators paid a diffused rate on cultivation and fallow together. Under this system the practice was to make large survey numbers, to classify them according to soil and irrigational facltilies and to impose an assessment at a rate that would allow for the number of fallows considered necessary. Thus if the full assessment on a field when cultivated was estimated at Rs. 4 an acre and two fallows were needed the annual assessment payable was fixed at one-third of Rs. 4. This system worked very unsatisfactorily, because—

(1) zamindars after cultivating these large survey numbers promptly resigned them and thus deprived Government of the large part of the assessment due from them, and

(2) the zamindars at the head of a canal cultivated the whole of their land in the first year instead of doing so by a regular system of rotation, and thus deprived the zamindars at the tail, of their fair share of the water of the canal.

A conference was therefore held to devise some other arrangement more suitable to the conditions of agriculture in Sind. A member of the Bombay Government and Colonel Sir W. L. Merewether, Commissioner in Sind, were also present at this conference. The conclusions arrived at resulted in the issue of Government Resolution No. 1438, dated the 10th March 1875, in which *inter alia* it was laid down " that zamindars could not legally claim a proprietary title in any land they did not cultivate or pay for and therefore that any concession made to them on account of any waste land they might desire to retain, must be considered a matter of grace." At the same time it was admitted " that zamindars had certain claims over waste lands which it was only right and politic to respect." With a view to give favourable terms to the zamindars it was decided to introduce a lease system in Sind which was to include all waste lands there might be any reasonable prospect of a zamindar being able to cultivate, permanently or in rotation, for the term of settlement at a reduction on the whole not exceeding 30 per cent., on condition of his not throwing up any portion during its currency. This system was intended for the class of zamindars paying Rs. 300 or more per annum as land revenue assessment. It further appears from the Government Resolution that notwithstanding the advantage the fallow-diffused system gave, it was not looked upon favourably by the great mass of the cultivators, who would have preferred paying full assessment on what they cultivated to paying a diffused rate on cultivated and fallow together, provided they were protected from the risk of other people taking up the land left fallow by them for a reasonable time. To safeguard the interests both of Government and of these people, it was therefore decided to reduce the size of survey numbers under wheel irrigation by making each only sufficiently large to be cultivated under the single wheel in one season and liable to assessment at full rates instead of one-third. Under this arrangement a man holding wheel land could take up as much as he proposed to cultivate in a single season and could continue to hold it continuously, if he chose. If, however, he could not do so without fallowing it, he could throw it up on the understanding that he had a lien on it for two years, and that in the third year if he did not take it up again his right of occupancy lapsed to Government, who could then give it out to some one else. In view, however, of the fact that the system of a diffused rate on cultivation and fallow had the advantage of enabling an industrious man who cultivated his land year after year to do so on very favourable terms, it was decided to give him the option of adhering to this system whereby he could have

all the land in his holding usually cultivated on the fallow system, at the one-third or other diffused rate, on the condition that he should hold it without the option of relinquishing any portion of it for the full ten years of the settlement. This was not to apply to any rice, 'sailabi' or barani land or to the estates of large zamindars, unless they refused leases.

III.

In the year 1878 a conference of Revenue Officers assembled at Karachi to discuss various matters of detail connected with the working out of the new system of settlement sanctioned in the above-mentioned Government Resolution of 1875. One of the subjects so discussed was that of fallows. With regard to this it was the general opinion of the members of the conference that the matter should form the subject of special proposals suited to local requirements in the settlement report of each taluka. Government concurred in the view (*vide* paragraph 1 of Government Resolution No. 5101, dated the 5th October 1878). The Commissioner in Sind (Mr. Peile), while referring the Settlement Officer Colonel Haig to these orders, requested him to furnish the necessary proposals for every taluka in which the revision settlement had been introduced. In compliance with this, Colonel Haig recommended the following scale of fallows for adopotion in talukas Kandiaro, Naushahro, Moro and Sakrand in the Hyderabad district, Sukkur and Rohri in the Shikarpur district, and Kotri and Sehwan in the Karachi district :—

(*a*) For rice fields—
One year's fallow to three of cultivation.

(*b*) Other kharif land under flow irrigation—
Two years' fallow to one of cultivation.

(*c*) Kharif land under lift irragtion—
Three years' fallow to one of cultivation.

(*d*) Rabi land, wheat and barley only, under lift cultivation—
One years' fallow to one of cultivation.

(*e*) Other rabi lands—
One year's fallow to three of cultivation.

Colonel Haig's recommendations, which were supported by the district officers and the Commissioner in Sind and submitted to Government in October 1878, were sanctioned in paragraph 2 of Government Resolution No. 677, dated the 7th February 1879. This was also the scale most commonly adopted in talukas, the settlements of which were revised after the year 1879.

The lease system did not, however, prove acceptable to zamindars, owing to the scarcity of the labour-supply and the risk to which they were exposed from floods and drought. Mr. Erskine in his letter No. 1935, dated the 20th May 1880, to the address of Government, expressed his opinion as follows :—

> " Your Excellency will perceive that in my opinion and in that of the officers in the Province best qualified to judge, it would not be desirable to grant leases to the zamindars, and, further, that it is not possible to grant them on the terms sanctioned by the Government of India or on any reasonable terms; and lastly that the zamindars themselves, evince no desire to hold their estates on lease, unless they are allowed to hold at nominal rates and are promised remissions when any failure of crop occurs. I am satisfied that it would be well to abandon all idea of granting leases to 'large zamindars', which term has been interpreted to mean all zamindars paying thirty pounds a year (Rs. 300) as assessment. Men of this class are—the majority of them—of no position and there is no reason they should be treated in a special way. Under the recently introduced revised settlement with its liberal system of fallows they have no reasonable grounds whatever for dissatifaction."

Government approved of the above proposals in their Resolution No. 6647,

dated the 16th December 1880. Thus the scale of fallows mentioned above was made applicable to all lands under revision settlement.

During his tour in 1881-82 Mr. Erskine received many complaints regarding the working of fallow rules and discovered that they had not been properly understood by Revenue Officers. He therefore issued an explanatory circular, *vide* Special Circular No. 36, dated the 13th April 1882, premising as follows:—

> " Fallow rules were deemed necessary in Sind because it is not customary to cultivate annually all lands, but at the same time occupants, though not cultivating numbers, are unwilling to resign them as they have generally expended money in clearing karias, &c. For this reason Government determined that lands might be retained by occupants who did not cultivate them according to a fixed scale determined generally at the time a settlement is introduced. This is a very liberal scale, and has admittedly been fixed so as to allow more fallows than the land requires in order to leave a margin for unforeseen events, accidents, &c."

In this circular Mr. Erskine further enunciated, among others, the following principles:—

(1) Land taken up was to be cultivated for the number of years mentioned in the scale before it could become entitled to any fallow.

(2) It was not compulsory for an occupant to let his land lie fallow when it became so entitled if he thought it his interest to cultivate it on the understanding that he could not accumulate fallows.

(3) It was not compulsory to cultivate fields in a fixed rotation.

(4) Occupants cultivating fields which they had the option of leaving fallow could claim remission in the event of water-supply failing, &c.

IV.

The peculiar conditions of Sind, however, militated against the principles of the revision settlement, and as a result a form of temporary settlement was devised by Mr. Erskine and Colonel Haig (*vide* Government Resolution No. 3397, dated the 13th June 1881). In talukas under "temporary settlement" classification of soil and water was abandoned, and intial values were fixed for each class of irrigation but no fallow rules were in operation. This system was at first intended to be experimental, and under it land already under occupancy or newly taken up was liable to assessment only when cultivated and could be held for an indefinite period without rendering its owner liable to any payment thereon. The inevitable result was land-grabbing on the part of large zamindars and loss of revenue to Government. Colonel Anderson, Superintendent, Sind Revenue Survey, brought this state of things to the notice of the Commissioner in Sind in his No. 52, dated the 19th January 1885, and made the following two important proposals :—

(1) all land in talukas under temporary settlement to be liable to assessment at least once in five years, and

(2) all newly granted land to pay assessment for the first year of its being taken up and thereafer, in the event of its remaining uncultivated in the meantime, to pay assessment every fifth year.

The district officers consulted, supported Colonel Anderson's view. Thereupon Mr. Erskine in his No. 2972, dated the 23rd July 1885, proposed to Government the appointment of a representative committee of officers to collect information, discuss details and make recommendations on this matter. In referring to the fallow rules then existing, he charaterized them as exceedingly unpopular and advocated a simpler system. Government approved of the proposal in their Resolution No. 6772, dated the 19th August 1885. The committee met and the results of its deliberations, with a few verbal alterations, were sanctioned by Government in the Resolution No. 2399, dated the 21st April 1887.

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In forwarding the committee's recommendations to Government Mr. Erskine made the following remark in paragraph 4 of his letter No. 2944, dated the 21st/26th August 1886:—

> " It is hardly necessary for me to explain why a system differing from that found in the Presidency proper exists in Sind as regards fallow lands. This was fully discussed before the existing fallow rules were sanctioned by Government. Suffice it to say that, with the exception of garden lands and of some rice lands, no survey numbers can be continuously cultivated but at the same time they cannot be relinquished when not required for cultivation, as the occupants have, in almost every case, expended considerable sums in excavating water-courses and branch irrigating channels, without which in Sind cultivation cannot be carried on, and they could not be expected to relinquish lands on which so much labour and capital have been expended."

The fallow rules sanctioned in 1887, have remained in force ever since.

APPENDIX E.

Copy of letter No. 1895, dated 20th June 1913, from the Commissioner in Sind to the Government of Bombay.

The Commissioner in Sind has the honour to submit the report called for by Government in their marginally noted communications and to append thereto a historical note on the subject of the fallow rules in Sind.

Memorandum No. 8327, dated the 17th September 1910, and subsequent memoranda ending with No. 2008, dated the 28th February 1913.

2 The papers to which the attention of the Commissioner was invited by Government Memorandum No. 8327, dated 17th September 1910, present two entirely opposite aspects of this subject On the one hand there is the demand of the Sind Mahomedan Association and the Hon'ble Mr. Bhurgri that the fallow rules should be abolished in the sense that the zamindars should be relieved of the obligation to pay assessment on land which they leave uncultivated; on the other hand there is the suggestion of the Government of India and of the expert critics of the Agricultural Department that the time has now come when either these rules should be abolished in the sense that assessment should be levied every year on all occupied lands whether cultivated or not, or else the fallow period allowed by the rules should be considerably reduced.

3. The Commissioner presumes that it is not the wish of Government that he should discuss at any length the question of the abolition of the rules in the first sense. The origin and the object of the present fallow rules is clearly set out in the historical note hereto appended, a perusal of which and of the numerous decisions of Government upon which it is based, will, it is hoped, demonstrate the extraordinary fallacy of the views held by the Hon'ble Mr. Bhurgri, as to what he styles the "proprietary rights of the zamindars of Sind" and dispose of his truly amazing statement that "all that Government is interested in is that the zamindar should cultivate one-fifth of his holding every year." Moreover the reply given by His Excellency Lord Sydenham on January 20th, 1909 to the address presented to him by the Sind Mahomedan Association was a definite pronouncement of the policy of Government to encourage intensive cultivation in Sind.

4. It may, however, be of interest to Government to know that the question of the abolition of the fallow rules in the sense advocated by the Hon'ble Mr. Bhurgri has been most exhaustively examined by the Commissioner in Sind on three separate occasions during the last 8 years, twice by correspondence and once in conference with all the senior revenue officers of the Province. On each occasion there has been practically a unanimity of opinion that the retention of the fallow rules more especially of rule 4 is absolutely necessary both in order to prevent idle and thriftless cultivators from continuing to hold lands which they are unable and unwilling to cultivate, and to restrain others from taking up land with the sole object of increasing their holdings at the expense of their neighbours. It is also the universal belief of all revenue officers in Sind that rule 4 has acted as a great stimulus to the cultivation of lands which would otherwise have remained uncultivated.

5. The only argument on the official side that the Commissioner has ever heard advanced in favour of the extension of the fallow period from four to five or even six years, or the entire abolition of the fallow rules is that rule 4 is so frequently suspended and fallow forfeited survey numbers are so freely restored to their original owners without payment of arrears of assessment, that the rules no longer serve the purpose for which they were designed and might therefore as well be abolished. In the opinion of the Commissioner this argument affords the best possible justification of the existing fallow rules in-as-much as it is an admission that they are not enforced when failure to cultivate is due to causes beyond the control of the zamindars.

A statement marked A showing the number of cases in which the rules have been suspended during the last ten years is also appended.

6. Turning to the question of the abolition of the rules in the second sense, the case put forward by the expert critics of the Agricultural Department appears to rest on a mistaken assumption that the origin and continuance of the existing

fallow rules depends solely on erroneous theories of agricultural economy. It is as true to-day as ever that the conditions of soil and water in Sind and the character of the Sindhi cultivator do demand a more liberal fallow system than is required in most other parts of India, but, as the historical note appended to this report will show, the considerations actually underlying the existing fallow rules are quite as much of a political, fiscal and irrigational as of an agricultural character. It is, perhaps, not surprising that scientists unfamiliar with the conditions of Sind should have failed to appreciate or make allowance for this fact.

7. There is really very little that calls for comment in the somewhat disconnected letter from the late Inspector-General of Agriculture, except that it appears to have been written in the mistaken belief that perennial irrigation exists all over the province of Sind, whereas, as Government are well aware, the Jamrao is the only canal in Sind which provides such irrigation, and even on this canal a perennial water-supply will never be assured until a Barrage has been thrown across the Indus at Sukkur. The Commissioner finds it necessary, however, to correct certain dogmatic inaccuracies which occur in Mr. Mollison's letter. The observation contained in (1) of this letter that there is a "traditional belief held generally in the Revenue Service in Sind that the quality of the land now under flow irrigation is inferior" is not understood. No such belief could possibly exist in the mind of any revenue officer familiar with Sind, for the simple reason that every officer knows that, whether any particular land is flow or lift is a question that depends not upon the character of the soil, but solely upon the level at which water is supplied. On inundation canals flow lands are constantly becoming lift lands and *vice versa*, according to the character of the inundation, but everybody knows that the best lands in Sind, both in respect of soil and productiveness are those which obtain a permanent flow supply.

It is just possible that in complaining that flow lands require to be fallowed Mr. Mollison was confusing flow with lift, for whereas, given sufficient water, the fallow period for flow lands is seldom longer than two years—for rice lands the period is often not more than one year in five—the recognized period for lift lands is usually not less than three and often is as much as four years. As regards (3) of his letter Mr. Mollison was obviously unaware of the fact that the Jamrao canal was designed to irrigate annually only one-third of the area which it commands, and that all lands on this canal must therefore on an average lie fallow for two years out of three. A statement is appended, marked B, which shows that on this canal during the last five years the average cultivated area has been very nearly exactly one-third of the occupied area. Waste of water on the Jamrao is penalised by the most rigid system of fines—and any leakage of water in this canal is to be ascribed to the faulty design of the canal and not to the laziness or wastefulness of the cultivators. In complaining that fallowed land before it can be brought again under cultivation requires to be thoroughly soaked by irrigation Mr. Mollison was also, surely, unaware of the fact the Sindhi 'hari' is a tenant-at-will and has no permanent stake in the land which he cultivates, and that, therefore, he cannot be expected to plough until the actual year of cultivation. In other words the 'hari' will not plough in order to enable another man to sow, and almost everywhere in Sind, owing to the scarcity of labour, he can make his own terms with the zamindar.

Mr. Mollison's note apparently applies to fallows in flow lands but it is a fact worth mentioning that long fallows are of the greatest benefit to lift lands and that after a rest of three or four years bumper crops can be raised in these lands without the use of any manure at all.

8. The criticisms of Mr. Keatinge, the Director of Agriculture, Bombay, contained in Appendix C of Government Resolution No. 2751, dated 16th March 1909, are less destructive than those of Mr Mollison and are easily met by the answer that there is no rule by which cultivators who use water only for ploughing and not for sowing can be charged assessment and that overwatering is not practised in Sind except in the case of rice lands for which there is no regular period of fallow. Mr. Keatinge rightly recognizes that on inundation canals in Sind there is unlimited land and a restricted water-supply, and his criticisms may, therefore, be supposed to apply to perennial irrigation and not to the present agricultural conditions of Sind. The moral that no land should be given out than there is water to irrigate at least once every year is one that may possibly be preached fifty years hence, but without the use of restorative crops on a grand

scale, the percentage of the cultivated to the culturable area, even on perennial canals, can never much exceed 50 per cent. (*vide* Appendix C, page 121, of the Commissioner's report on the Combined Sind Irrigation Projects).

9. As, then, perennial irrigation is as yet unknown in Sind, except in a very qualified sense on the Jamrao Canal, and as intensive cultivation cannot be practised on inundation canals where the water-supply is precarious and hardly ever suffices for more than one-third of the area commanded, the Commissioner in Sind would submit that it is premature to consider whether the existing fallow rules should be altered or abolished in order to suit the possible conditions of the future. But while on the subject of perennial irrigation he begs respectfully to be allowed to correct the belief of the Government of India that the scheme for the introduction of perennial irrigation in Sind (which is now with the Secretary of State for India) depends on the irrigated area attaining an intensity of about 60 per cent. of the culturable area within about 6 years of the opening of the works. The Indus Left Bank (Rohri) Canal is designed to irrigate only just over 50 per cent. of the total culturable area commanded, and the financial forecasts of this great project were prepared by Mr. Lucas himself on this very basis.

10. It has next to be considered whether it is possible to abolish or reduce the fallow period on existing inundation canals in Sind. Canals of this type have not been designed and cannot be relied upon to irrigate on an average more than one-third of the culturable area settled upon them ; and a practical recognition of this principle is to be seen in the restrictions that it has been found necessary in recent years to impose upon the further grant of land on nearly every large inundation canal. The Commissioner is constrained to say that in almost every part of the Province land has been given out far in excess of the irrigating capacity of the canals and it is no exaggeration to say that in a normal year, once the kharif sowings on inundation canals are completed every drop of canal water is utilized. It is only at the end of the inundation season just before the river falls that there is any surplus water in the canals and this is most keenly competed for, and could be utilized many times over for rabi cultivation in Government waste lands granted on one year leases. In the vast lift tracts of the Hyderabad and Nawabshah districts and everywhere else in the Province where lift irrigation is common, it is a well known fact that the existing inundation canals were not designed to irrigate more than about one-quarter of the areas which they command. One reason for this no doubt was that it was, as it still is, the belief of the officers best qualified to judge that lift lands require on an average a fallow period of three years. The Comissioner, therefore, respectfully submits that no case exists for the reduction, much less for the abolition of the fallow period on inundation canals in Sind. Indeed the balance of argument points rather to the necessity for abolishing the fallow rules in the opposite sense.

11. It is interesting, however, to consider what would be the effect of the reduction or abolition of the fallow period. In the case of a reduction the inevitable result would be that all the poorest and least favourably situated lands would gradually be relinquished, and there would be an enormous increase of cultivation at the heads of the canals attended by a corresponding decrease at the tails, and often no water at all would reach the tails. Such a result would be in sharp conflict with the present policy of the Irrigation Department of restricting cultivation at the head of a canal, in order that a fair share of the water may find its way to the tail. Government are doubtless aware that every legitimate means is being employed to this end such as the provision of submerged sluices and the reduction of the size of karia heads ; and that it is the steady policy of the Irrigation Department to discourage intensive cultivation at the heads of canals. The idea of abolishing the fallow period altogether scarcely calls for serious consideration. Except in the case of rice lands, the immediate result would be the relinquishment by the zamindars of at least two-thirds of their holdings, and in less than five years not a single acre would remain in their possession and the great majority of them would be completely ruined.

12. The Commissioner in Sind would therefore respectfully urge that the question of reducing or abolishing the fallow period may be quietly laid to rest until the advent of perennial irrigation in Sind, and that the fallow rules which have remained unchallenged for more than twenty years, and in the opinion of all Sind revenue officers have been completely successful may be left undisturbed.

APPENDIX F.

Statement showing details of fallow forfeited land, &c, during each revenue year since 1900-01.

Year.	District	Kabuli area.	Area assessed to fallow assessment.	Amount of fallow assessment due.	Fallow assessment recovered.	Area forfeited for non-payment of fallow assessment.	Forfeited area restored to original-holders or heirs.
1	2	3	4	5	6	7	8
		Acres.	Acres.	Rs.	Rs	Acres.	Acres.
1900-01 ...	Karachi	475,799 7	9,935 23	22,139 2	147 4	9,850 8	2,248 28
	Hyderabad	965,500 16	32,626 28	73,943 10	13,395 5	17,604 1	18,741 35
	Thar Parkar ...	1,006,569 22	Fallow	assessment first	levied in 1904-	05.	
	Nawabshah	733,868 2	4,680 13	12,263 7	3,425 0	3,362 36	632 34
	Sukkur	642,192 26	3,862 17	11,748 12	6,552 14	1,425 30	..
	Larkana	989,119 24	10,110 25	31,782 13	4,105 13	8,735 8	1,721 4
	Upper Sind Frontier ..	804,778 28	7,007 27	16,199 14	3,852 2	4,924 21	1,704 32
	Total ...	15,617,428 5	68,223 13	1,68,077 10	31,478 6	45,902 24	25,049 13
1901-02 ...	Karachi	483,790 28	22,726 10	54,250 10	4,889 14	20,408 18	1,480 12
	Hyderabad	974,737 15	35,553 10	73,383 9	13,647 9	25,452 26	14,325 29
	Thar Parkar ...	1,084,360 19	Fallow	assessment first	levied in 1904-	05.	
	Nawabshah	759,549 8	5,614 38	14,197 14	4,381 14	3,634 39	1,710 8
	Sukkur	662,086 30	7,988 24	23,361 13	11,474 11	4,061 15	387 37
	Larkana	981,350 18	9,153 32	23,034 15	4,122 8	7,090 1	1,217 30
	Upper Sind Frontier ...	798,379 20	3,835 18	9,066 8	3,095 2	2,461 30	3,077 20
	Total ...	5,744,254 18	84,872 12	1,97,295 5	41,611 10	63,109 9	22,199 16
1902-03 ..	Karachi	457,140 18	5,165 32	11 219 7	2,314 7	4,345 17	2,480 35
	Hyderabad	985,737 11	...	Not available	...	..	11,813 5
	Thar Parkar ...	1,149,973 17	Fallow assess	ment first levied	in 1904-05.		
	Nawabshah	805,172 31	...	...	...	..	2,179 35
	Sukkur	657,804 35	...	...	..	.	835 7
	Larkana	979,629 39	935 32	2,853 8	502 5	806 1	1,192 35
	Upper Sind Frontier ...	793,282 39	...	...	...	...	578 16
	Total ...	5,828,741 30	6,101 24	14,072 15	2,816 12	5,151 18	19,080 11
1903-04 ...	Karachi	456,330 1	3,298 34	7,973 11	410 5	3,143 36	2,398 18
	Hyderabad	1,004,139 22	16,470 6	37,057 6	10,118 11	6,388 15	11,196 24
	Thar Parkar ...	1,130,422 28	Fallow assess	ment first levied	in 1904-05		
	Nawabshah	940,190 26	4,337 34	10,463 11	1,284 3	3 833 27	1,510 2
	Sukkur	681,477 15	2,791 19	8,355 6	4,577 6	1,054 34	442 23
	Larkana	988,611 31	3,633 31	9,792 11	3,422 4	2,165 37	634 34
	Upper Sind Frontier ...	725,916 8	1,161 34	2,718 0	1,451 0	544 19	1,165 35
	Total ...	5,927,088 11	31,693 38	76,360 13	21,263 13	17,145 8	17,348 16
1904-05 ...	Karachi	457,725 28	5,442 16	13,230 10	1,339 7	4,918 8	2,736 29
	Hyderabad	1,034,356 12	19,934 1	42,730 7	7,896 7	12,580 19	10,059 8
	Thar Parkar ...	1,168,048 2	2,448 23	6,477 6	177 9	2,362 39	...
	Nawabshah	969,178 0	7,073 31	17,600 9	8,466 7	3,772 10	1,999 13
	Sukkur	684,522 11	10,376 4	31,399 1	23,313 6	2,864 8	481 39
	Larkana	958,772 17	8,482 4	19,749 12	7,722 12	5,415 25	827 34
	Upper Sind Frontier ..	725,483 24	1,749 35	3,816 1	2,064 7	813 29	1,072 14
	Total ...	5,998,086 14	55,506 34	1,35,003 14	50,980 7	32,727 18	17,177 17

Year.	District.	Kabuli area.	Area assessed to fallow assessment.	Amount of fallow assessment due.	Fallow assessment recovered.	Area forfeited for non-payment of fallow assessment.	Forfeited area restored to original holders or heirs.
1	2	3	4	5	6	7	8
		Acres.	Acres.	Rs.	Rs.	Acres.	Acres.
1905-06 ...	Karachi	472,366 25	8,434 11	19,059 3	3,801 10	6,743 19	2,556 8
	Hyderabad	1,085,219 21	30,777 5	63,243 9	15,369 10	17,688 12	17,347 36
	Thar Parkar ...	1,238 345 7	3,338 8	9,671 11	4,733 12	1,607 21	589 5
	Nawabshah	1,038,409 9	31,109 11	77,032 2	19,725 8	24,246 22	4,224 39
	Sukkur	700,653 2	6,396 9	18.506 9	11,352 9	2,559 18	354 5
	Larkana	964,701 37	9,655 6	26,459 0	11,939 14	5,815 31	2,104 9
	Upper Sind Frontier ..	794,778 38	9.440 5	19,475 2	15,174 3	2,095 34	573 29
	Total ...	6,294.414 19	99,150 15	2,33,447 4	82,097 2	60,756 37	27,750 11
1906-07 ..	Karachi	473,468 5	5,130 38	12,946 0	2,069 1	4,364 23	4,594 16
	Hyderabad	1,140,214 19	15,282 23	34,499 6	11,711 7	12,599 21	21,244 30
	Thar Parkar ...	1,254,449 26	7,115 20	24,407 14	6,536 11	5,117 31	369 5
	Nawabshah ..	1,086,582 38	9,607 15	25,012 13	8,562 15	6,783 39	6,464 8
	Sukkur	704,619 10	6,465 30	19,375 7	13,756 3	2,094 28	1,060 22
	Larkana	998,758 15	5,510 23	16,199 0	7,678 8	3,374 31	2,232 15
	Upper Sind Frontier ...	904,622 34	13,293 39	27,976 11	7,588 11	9,568 37	216 23
	Total .	6,562,715 27	62.406 28	1,60,417 3	57,503 8	43,904 10	36,181 39
1907-08 ...	Karachi	466,873 14	1,187 33	2.422 1	845 1	905 33	4,923 18
	Hyderabad	1,025,794 28		Not available.		7,645 5	9,756 11
	Thar Parkar .	1,235,248 13	...	..	...	...	273 37
	Nawabshah ...	1,116,656 4	9,124 7	19,810 5	5,446 10	7,108 17	5,514 13
	Sukkur	719,867 39	2,279 26	5,983 2	3,659 1	774 3	353 39
	Larkana		F R.	Suspended.			369 35
	Upper Sind Frontier ..	906,482 23	9,990 2	20,804 4	11,309 5	4,526 25	245 15
	Total ...	5,470,923 1	22,581 28	49,019 12	21,260 1	20,960 3	21,437 8
1908-09 ...	Karachi	536,798 0	635 34	1,395 12	74 8	604 21	3,791 32
	Hyderabad	1,069,481 1	22,575 5	49,598 9	24,682 0	3,692 36	7,347 4
	Thar Parkar ..	1,247,968 28	9,006 6	29,458 14	5,146 6	7,355 22	619 28
	Nawabshah ..	1,158,205 36	21,207 12	56,4 1 12	25,986 4	10,402 3	1,144 6
	Sukkur	747,909 32	7,258 34	21,084 12	16,003 10	2,169 39	944 13
	Larkana	1,020,052 0	5,274 12	14,494 14	8,190 4	1,919 7	1,250 10
	Upper Sind Frontier ..	911,667 21	11,407 17	25,334 0	12,050 11	5,081 23	876 6
	Total ...	6,692,082 38	77,365 0	1,97.335 9	92,133 11	31,225 31	15,973 19
1909-10 ..	Karachi	527,960 17	758 9	1,787 10	506 4	507 19	3,461 3
	Hyderabad	913,166 26	18,875 28	45,082 2	24,953 14	9,990 13	4,555 29
	Thar Parkar ..	1,227,256 37	7,142 37	24,438 13	5,112 13	5,622 26	1,366 28
	Nawabshah ...	1,152,160 30	19,007 19	51,728 13	25,927 3	9,216 33	1,704 34
	Sukkur	734,622 7	6,643 10	20,301 8	14,420 6	1,760 26	361 34
	Larkana	988,745 24	4,402 19	13,697 1	6,279 11	2,404 8	1,208 29
	Upper Sind Frontier ...	909,932 3	7,476 23	16,678 5	9,708 5	3,084 39	1,017 39
	Total ...	6,453,844 24	64,306 25	1.73,714 4	86,908 8	32,587 4	13,676 36

Year.	District.	Kabuli area.	Area assessed to fallow assessment.	Amount of fallow assessment due.	Fallow assessment recovered.	Area forfeited for non-payment of fallow assessment	Forfeited area restored to original holders or heirs.
1	2	3	4	5	6	7	8
		Acres.	Acres.	Rs.	Rs.	Acres.	Acres.
1910-11	Karachi ..	558,841 17	452 29	1,067 4	800 12	111 9	2,049 27
	Hyderabad	932,054 26	20,105 17	42,459 2	28,973 3	6,558 5	4,763 11
	Thar Parkar	1,226,239 37	12,193 16	41,078 2	12,695 6	8,688 35	2,203 11
	Nawabshah	1,166,322 23	14,826 16	42,223 15	20,052 8	7,469 29	3,807 35
	Sukkur ...	745,697 23	9,130 31	28,517 0	20,466 6	1,794 11	521 14
	Larkana ..	1,005,715 13	12,527 28	44,757 11	28,821 6	4,999 30	727 9
	Upper Sind Frontier	908,863 36	9,589 17	21,882 1	13,249 10	3,131 39	984 14
	Total	6,543,735 15	78,844 34	221,985 3	125,059 3	32,753 38	15,057 1
1911-12	Karachi ...	548,379 22	1,101 25	2,566 10	946 8	530 36	1,588 3
	Hyderabad	1,064,623 32	23,213 22	47,928 8	27,107 5	6,894 14	3,739 12
	Thar Parkar	1,219,238 7	33,272 13	94,879 3	47,447 2	8,426 34	4,570 19
	Nawabshah	1,173,367 13	16,637 19	48,620 10	21,038 13	10,218 3	3,067 35
	Sukkur ...	729,004 38	6,938 35	19,785 12	12,463 5	2,306 10	628 19
	Larkana ...	976,449 22	8,775 13	27,857 1	18,031 10	2,258 28	916 3
	Upper Sind Frontier	883,110 37	14,283 38	34,058 5	5,680 4	3,173 30	1,106 11
	Total	6,594,174 11	104,223 5	2,75,696 12	1,32,714 15	33,868 35	15,616 22
1912-13	Karachi ...	566,623 4	2,276 14	5,445 7	1,804 1	1,594 11	2,838 19
	Hyderabad	953,770 39	55,177 17	1,14,423 0	84,909 8	10,547 26	4,236 29
	Thar Parker	1,198,932 18	80,517 19	2,15,849 14	1,12,933 3	20,283 8	4,322 11
	Nawabshah	1,174,438 15	22,316 19	59,766 5	33,121 9	8,793 11	3,332 33
	Sukkur ...	739,998 30	495 2	1,282 0	964 15	111 25	450 38
	Larkana ...	999,151 28	15,061 20	45,006 12	34,521 15	2,357 15	1,091 28
	Upper Sind Frontier	885,393 23	3,389 16	7,548 14	3,430 4	1,590 0	460 22
	Total	6,518,308 37	197,233 27	4,49,322 4	2,71,685 7	45,277 16	16,733 20
1913-14	Karachi ..	570,807 6	5,061 14	9,028 3	2,642 3	4,136 21	6,642 30
	Hyderabad	1,071,314 32	39,542 35	88,289 5	66,437 13	12,451 4	5,125 19
	Thar Parkar	1,201,591 20	79,982 26	1,71,383 7	86,391 2	16,988 21	5,921 22
	Nawabshah	1,191,352 9	25,041 5	72,475 1	35,581 3	12,831 25	2,621 37
	Sukkur ...	759,828 27	3,219 16	12,119 0	11,432 9	281 16	111 35
	Larkana ...	935,092 3	14,896 9	44,740 0	28,495 2	4,794 6	835 38
	Upper Sind Frontier	889,600 27	2,703 16	5,589 15	3,651 1	703 13	1,789 1
	Total	6,619,587 4	171,347 1	4,03,894 15	2,34,631 1	52,186 26	23,048 22
1914-15	Karachi ...	598,653 14	9,042 37	17,570 3	3,012 8	7,828 35	3,030 24
	Hyderabad ...	1,097,310 7	44,426 35	96,032 1	59,376 0	12,255 16	3,097 21
	Thar Parkar	1,194,124 38	23,323 16	63,648 12	32,631 8	9,448 4	3,103 12
	Nawabshah	1,179,439 21	24,122 25	62,069 8	33,638 0	10,143 3	6,719 38
	Sukkur ..	755,559 23	7,065 1	21,955 7	16,445 8	2,036 38	137 38
	Larkana ...	1,159,868 4	11,991 17	37,568 4	22,940 11	4,147 17	570 18
	Upper Sind Frontier ..	907,714 30	8,417 4	18,083 15	12,603 7	1,638 8	1,682 35
	Total	6,892,670 17	128,389 15	3,16,930 2	1,80,647 10	47,498 1	18,342 26

Year.	District.	Kabuli area.	Area assessed to fallow assessment.	Amount of fallow assessment due.	Fallow assessment recovered.	Area forfeited for non-payment of fallow assessment.	Forfeited area restored to original holders or heirs.
1	2	3	4	5	6	7	8
		Acres.	Acres.	Rs.	Rs.	Acres.	Acres.
1915-16	Karachi	559,643 36	12,163 12	22,070 6	5,610 6	9,164 26	6,147 2
	Hyderabad	1,087,271 29	...	...	..	13,037 25	6,032 21
	Thar Parkar ...	1,191,374 14	22,457 8	62,373 15	26,454 1	9,263 2	6,526 20
	Nawabshah ...	1,169,946 33	25,794 36	69,144 1	44,303 5	8,849 37	1,555 18
	Sukkur	733,356 17	9,282 24	27,229 3	18,587 1	2,983 14	364 22
	Larkana	1,176,293 11	11,376 36	35,679 0	29,013 11	3,032 14	324 7
	Upper Sind Frontier ...	887,112 24	8,024 30	17,594 8	14,542 6	1,324 26	1,138 29
	Total ..	6804,999 4	89,099 26	2,34,091 1	1,38,510 14	47,655 24	22,088 39
1916-17	Karachi	587,477 27	6,102 9	15,257 1	4,131 15	4,922 29	1,293 16
	Hyderabad	1,058,105 18	31,516 29	72,460 1	46,785 8	7,885 32	7,471 12
	Thar Parkar ...	1,193,900 10	31,599 29	89,671 7	48,817 8	13,721 28	3,614 36
	Nawabshah ..	1,189,221 1	27,242 29	72,229 4	39,615 13	10,671 6	909 18
	Sukkur	756,371 23	6,209 5	19,572 15	11,992 8	1,847 6	444 7
	Larkana	1,121,485 15	7,254 36	22,025 5	13,850 0	2,449 26	893 5
	Upper Sind Frontier ...	899,751 7	6,858 15	16,239 3	11,110 12	1,754 16	2,675 24
	Total ..	6806,312 21	116,783 32	3,07,455 4	1,76,304 0	43,252 23	17,301 38
1917-18	Karachi	579,066 34	6,490 23	16,031 0	4,869 4	4,809 9	1,802 34
	Hyderabad	1,099,533 14	32,894 27	77,226 12	54,011 4	10,323 8	4,560 22
	Thar Parkar ...	1,189,982 11	42,498 15	11,392 15	69,023 2	14,871 3	3,076 3
	Nawabshah ..	1,193,391 28	27,970 32	76,384 1	43,941 8	11,663 32	899 34
	Sukkur	753,663 39	12,664 33	37,486 11	27,679 4	3,451 19	448 12
	Larkana	1,154,933 26	11,543 1	32,635 14	20,440 13	4,837 8	2,099 36
	Upper Sind Frontier ...	900,513 8	11,189 38	26,369 1	20,318 8	2,549 31	852 1
	Total ..	6,871,085 0	145,252 9	3,80,075 6	2,40,283 11	52,505 30	13,739 22
1918-19	Karachi	559,315 38	3,681 25	7,195 6	2,805 3	2,746 25	1,896 38
	Hyderabad	1,078,432 6	...	...	...	...	2,349 39
	Thar Parkar ...	1,172,899 29	...	...	...	...	2,594 6
	Nawabshah	1,157,847 4	Fallow rules	suspended.	...	...	65 4
	Sukkur	732,862 39	92 15	262 9	262 9	...	1,125 28
	Larkana	1,070,420 19	1,617 19	5,499 15	4,253 15	374 8	428 32
	Upper Sind Frontier ...	878,017 8	53 13	106 11	106 11	...	395 4
	Total ..	6,649,795 23	5,444 32	13,064 9	7,428 6	3,120 33	8,855 31
1919-20	Karachi	591,979 18	4,563 20	11,002 1	3,378 10	3,391 19	503 5
	Hyderabad	1,072,433 27	34,442 14	80,668 11	55,701 13	4,540 29	2,187 4
	Thar Parkar .	1,193,767 33	54,907 10	1,16,265 2	72,064 0	14,484 2	5,212 13
	Nawabshah	1,166,356 14	29,805 19	80,832 4	54,132 9	9,487 19	1,051 0
	Sukkur	749,907 10	7,468 28	23,453 12	16,141 3	2,260 13	147 21
	Larkana	1,085,804 6	8,307 27	26,580 15	18,670 1	2,566 33	1,261 6
	Upper Sind Frontier ...	888,997 26	7,933 25	18,011 6	13.204 13	2,259 13	1,594 9
	Total .	6,749,246 14	127,428 23	3,56,814 3	2,33,293 1	38,990 8	11,956 18

Year.	District.	Kabuli area.	Area assessed to fallow assessment.	Amount of fallow assessment due.	Fallow assessment recovered.	Area forfeited for non-payment of fallow assessment.	Forfeited area restored to original holders or heirs.
1	2	3	4	5	6	7	8
		Acres.	Acres	Rs.	Rs.	Acres.	Acres.
1920-21 ...	Karachi	583,241 19	...	...	...	...	854 11
	Hyderabad	1,076,800 29	14,708 2	34,659 11	26,882 11	9,652 17	2,262 19
	Thar Parkar ..	1,183,760 31	..	...	...	...	4,388 38
	Nawabshah	1,155,573 18		Fallow rules	suspended.		67 1
	Sukkur	746,991 38	201 26	609 2	609 2	...	715 2
	Larkana	1,078,694 19	6,499 12	20,903 12	17,350 14	1,014 16	1,076 12
	Upper Sind Frontier ...	891,005 37	5 12	7 5	7 5	...	535 36
	Total ...	6,716,068 31	21,414 12	56,179 14	44,850 0	10,666 33	9,899 39
1921-22 ...	Karachi	591,719 39	2,846 20	9,309 0	4,452 2	1,254 27	214 25
	Hyderabad	1,075,834 23	36,540 38	78,439 9	57.194 13	9,055 22	2,535 32
	Thar Parkar ...	1,212,169 12	...	...	...	..	2,789 24
	Nawabshah	1,160,299 39	26,207 27	71,617 9	49,199 8	5,824 19	1,224 23
	Sukkur	755,980 13	9,312 39	26,676 6	19,503 7	2,603 26	1,726 30
	Larkana	1,105,011 37	10,431 3	31,615 1	23,064 12	3,082 13	1,000 0
	Upper Sind Frontier .	892,818 10	8,886 1	20,341 10	17,486 1	1,330 39	1,155 38
	Total ...	6,793,834 13	94,325 8	2,37,999 3	1,70,900 11	23,151 26	10,647 12
1922-23 ...	Karachi	587,854 15	4,014 25	11,278 8	2,946 12	3,095 5	1,937 11
	Hyderabad	1,067,493 27	39,986 26	93,849 7	71,521 1	12,036 22	3,320 12
	Thar Parkar ..	1,220,108 17	22,985 32	64,990 3	53.774 3	3,043 11	1,870 2
	Nawabshah	1,154,237 32	25,390 31	66,822 10	52,740 15	2,906 29	603 6
	Sukkur	764.291 33	7,568 26	22,092 15	15.002 5	2,521 8	1,744 7
	Larkana	1,078,517 24	10,662 32	31,144 5	28,946 11	1,249 14	1,360 24
	Upper Sind Frontier ...	887,231 5	6,612 12	14,659 15	12,499 4	570 27	876 8
	Total .	6,759,634 33	97,221 24	3,04,837 15	2,37,431 3	25,422 36	11,711 30
1923-24 ..	Karachi	591,297 31	4,215 9	11,572 15	4,800 1	2,651 20	2,550 7
	Hyderabad	1,066,331 8	30,063 32	78,874 7	47.334 10	7.733 34	3,918 4
	Thar Parkar ...	1,216,900 13	813 0	2,004 0	1,557 0	182 25	689 19
	Nawabshah	1,149,233 11	18,430 21	51,784 7	44,407 11	2,346 3	100 36
	Sukkur	766,079 9	7,048 23	22,421 3	18,842 9	1,144 20	680 33
	Larkana	1,052,210 20	10,228 1	29,753 15	26,670 15	1,082 6	1,046 12
	Upper Sind Frontier ..	893,365 33	8,857 15	21,187 4	19,977 15	522 37	89 14
	Total	6,735,418 5	79,656 21	2,17,598 3	1,63.590. 13	15,663 25	9,075 5
1924-25 ..	Karachi	598,838 28	1,228 19	3.554 7	1,820 8	...	2,310 24
	Hyderabad	1,081,814 28		Not	available.		11,380 21
	Thar Parkar ...	1,244,389 21		Fallow	rules suspended.		173 7
	Nawabshah	1,166,044 32		Fallow	rules suspended.		
	Sukkur	776,881 5	127 6	513 6	84 2	100 6	204 34
	Larkana			Fallow	rules suspended.		109 32
	Upper Sind Frontier ...	907,950 33	342 23	715 4	572 6	63 19	2,615 7
	Total ..	5.775,919 27	1,698 8	4,783 1	2,477 0	163 25	10,463 11

APPENDIX G.

Statement showing the tracts in which Fallow Rule 4 has been suspended (1) indefinitely, (2) until improvements have been effected and (3) for particular year or years from the beginning up to 1924-25.

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended.		Reasons for suspension in brief.	Period of suspension.			Remarks whether any other rule or rules also suspended.
	Taluka,	Area, whether suspension order covers the whole taluka, or only a number or dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.		Indefinitely.	*Until improvements* have been effected.	For *particular* year or years	
1	2	3	4	5	6	7	8
			KARACHI DISTRICT.				
1918-19 ...	...	Whole district ...	Deficient supply ...	..	...	1918-19 ...	Rule 1 also.
1920-21 ...	...	Do. ...	Do. ...	..	...	1920-21 ..	
1907-08 ...	Shah Bunder...	Whole taluka ...	Low inundation ...	...	...	1907-08 ..	
1908-09 ...	„ ..	Do. ...	Floods	...	...	1908-09 ..	
1910-11 ...	„ ...	Do. ...	Floods and heavy rains .	...	...	1910 11 ...	
1920-21 ...	„ ...	1 deh (Bulo Shalani) ...	Floods in one portion and deficient supply in another.	Indefinite ..	...	...	Rule 1 also.
1924-25 ...	„	7 dehs ...	Floods	Do. ..	..	...	Rule 1 also.
1902-03 ...	Mirpur Bathoro.	Whole taluka ...	Do.	...	...	1902-03 ...	
1904-05 ...	„ ..	17 dehs dependent on Ali Bahar Gang Bahar, &c	Chronic deficiency of water.	...	Until improvements.	...	
1907-08 ..	„	Whole taluka ...	Low inundation ...	...	...	1907-08 ..	
1908-09 ...	„ ...	Do. ..	Floods	...	..	1908-09 ..	
1909-10 ...	„ ...	Do. ..	Do.	...	...	1909-10 ..	
1910-11 ...	„ ...	Do. ...	Floods and heavy rains...	..	...	1910-11 ...	
1918-19 ..	„ ...	Do. ...	Do. ...	...	...	1918-19 .	
1920-21 ...	„ ...	Do. ...	Deficient supply ...	..	..	1920-21 ..	
1907-08 ...	Jati ...	Do. .	Low inundation ...	..	...	1907-08 ..	
1909-10 ...	„ ...	Do. ...	Floods	..	..	1909-10 ...	
1910-11 ...	„ ...	Do. ...	Floods and heavy rains .	...	..	1910-11 ...	
1918-19 ...	„ ...	Do. ...	Floods	..	...	1918-19 ...	Rule 1 also.
1919-20 ...	„ ...	58 dehs	Do.	...	...	1919-20 ..	Do.
1895-96 ...	Sujawal ...	Whole taluka ...	Deficient supply ..	...	...	1895-96 ...	Do.
1899-1900..	„ ...	Do. ...	Do. ..	...	...	1899-1900.	Do.
1902-03 ...	„ ...	Do. ...	Do. ...	...	...	1902-03 ...	
1904-05 ..	„ ...	5 dehs dependent on Chouhatho and Gaja canals.	Chronic deficient supply.	...	Until improvements	..	
1907-08 ..	„ ...	Whole taluka ...	Low inundation ...	...	...	1907-08 ...	Rule 1 also
1908-09 ...	„ ...	Do. ...	Floods	...	...	1908-09 ...	Do.
1910-11 ...	„ ..	Do. ...	Floods and heavy rains..	...	...	1910-11 ...	Do.
1911-12 ...	„ ...	Do. ...	Do. ...	...	...	1911-12 ...	Do.
1918-19 .	„ ...	Do. ...	Deficient supply ...	..	. .	1918-19 ...	Do.
1919-20 ...	„ ...	42 dehs ...	Floods	...	...	1919-20 ...	Do.
1920-21 ...	„ ...	Whole taluka ...	Deficient supply ..	...	...	1920-21 ...	Do.
1899-1900..	Manjhand ...	Whole Mahal ...	Do. ...	...	...	1899-1900.	
1902-03 ...	„ ...	Do. ..	Do.	..	...	1902-03 ...	
1907-08 ...	„ ...	Do. ...	Low inundation	...	...	1907-08 ...	

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended.		Reasons for suspension in brief.	Period of suspension.			Remarks whether any other rule or rules also suspended
	Taluka.	Area, whether suspension order covers the whole taluka, or only a number of dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.		Indefinitely.	Until improvements have been effected.	For particular year or years.	
1	2	3	4	5	6	7	8
			KARACHI DISTRICT—*concld.*				
1895-96 ...	Kotri ...	All rayati surveyed dehs excluding Barani dehs.	Floods	...	...	1895-96 ..	
1902-03 ...	,, ...	Do. ..	Do.	...	...	1902-03 ...	
1907-08 ...	,, ...	Do. ...	Low inundation ...	...	...	1907-08 ...	
1910-11 ...	,, ...	Do. ..	Drought	...	...	1910-11 ...	
1911-12 ...	,, ...	Deh (Guna) .	Change of peech ..	Indefinite ...	...	...	
1895-96 ...	Karachi ...	Whole taluka ..	Deficient supply ...	...	...	1895-96 ...	
1899-1900..	,, ..	Do. ...	Do. ...	...	..	1899-1900.	
1902-03 ...	,, ...	Do. ..	Do.	...	...	1902-03 ...	
1907-08 ...	,, ...	Do. ..	Do, ...	...	...	1907-08 ...	
1903-04 ...	Mirpur Sakro ..	Do. ...	Do. ...	Indefinite ..	...	...	
1903 04 ..	Tatta ..	Do. ..	Do. ...	Do. ...	...	...	
1903-04 ...	Ghorabari ..	Do. ..	Do. ...	Do. ...	...	...	
			NAWABSHAH DISTRICT.				
1918-19 ...	...	Whole district ...	Bad inundation ...	...	...	1918-19 ...	Rule 1 also.
1920-21 ...	...	Do. ...	Do.	...	...	1920-21 ...	Do.
1895-96 ...	Shahdadpur ...	3. whole tapas and 10 other dehs.	Do. ...	...	..	1895-96 ...	
1899-1900..	,, ...	2 whole tapas and 14 other dehs.	Do. ...	...	..	1899-1900.	
1902 03 ...	,, ..	2 whole tapas and 13 other dehs.	Do. ...	...	...	1902-03 ...	
1904-05 ...	,, ...	1 deh (Kubayagun) ...	Do.	...	..	1904-05 ...	
1907-08 ...	,, ...	Whole taluka ...	Do. ...	...	...	1907-08 ...	
1913-14 ...	, ..	Parts of deh Sahta and Yaru Dahri.	Floods	...	Until the bund is constructed.	...	
1921-22 ...	,, ...	6 dehs	Deficient supply ...	...	...	1921-22 ...	
1924-25 ...	,, ..	5 dehs	Do. ...	...	...	1923-24 ...	
1891-92 ...	Sakrand ..	All land not irrigable from Dadwah.	Do. ..	...	Until improvements.	...	Rule 1 also.
1892-93 ...	,, ..	Do. ...	Floods in one portion and deficient supply in another.	Indefinite ...	...	...	
1913-14 ..	,, ..	113 survey Nos. of deh . Jado Jumo.	Floods	...	Until protective bund is constructed.	...	
1915-16 ...	.. ...	2 dehs	Do.	...	Since 1911-12 until bund is constructed.	..	
1918-19 ...	,, ...	329 survey Nos. on Alibahar.	Do.	...	Since 1916-17 until bund is constructed	...	
1923-24 ...	,, ...	2 whole dehs and parts of 21.	Do.	Indefinite ...	...	..	
1907-08 ..	Nawabshah	Whole taluka ...	Deficient supply ...	..	...	1907-08 ...	
1915-16 ...	,, ...	Deh 1, 15 Nasrat ...	Do. ...	...	...	1915-16 ...	
1907-08 ...	Sinjhoro ...	Whole taluka ...	Do. ...	...	...	1907-08 ...	

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended.		Reasons for suspension in brief.	Period of suspension.			Remarks whether any other rule or rules also suspended
	Taluka.	Area, whether suspension order covers the whole taluka, or only a number or dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.		Indefinitely.	Until improvements have been effected.	For particular year or years.	
1	2	3	4	5	6	7	8
			NAWABSHAH DISTRICT—*concld.*				
1914-15 ...	Sinjhoro ..	4 dehs	Deficient supply ...	...	...	1909-10 to 1914-15.	Rule 1 also.
1915-16 ...	,, ...	9 whole dehs and part of 1 on Dalore distributary.	Do. ...	...	...	Do.	Do.
1921-22 ...	,, ...	13 whole dehs and part of 1 on Dalore distributary.	Do. ...	...	...	1915-16 to 1922-23.	Do.
...	,, ...	39 dehs of Jamrao on outlet No. 3.	Do ...	...	...	1920-21 & 1921-22.	
...	,, ...	All the remaining dehs of Jamrao.	Do. ..	...	..	1921-22 ...	
1923-24 ..	,, ...	Jamrao tract ..	Do. ...	...	...	1923-24 ...	
1899-1900	Naushahro ...	Whole taluka ...	Do. ..	...	..	1899-1900.	
1902-03 ..	,, ...	Do. ...	Do. ..	...	...	1902-03 ...	
1907-08 ...	,, ...	Do. ...	Do ...	...	...	1907-08 ...	
1911-12 ...	,, ...	Lands on Nasrat, Chakar and Mahrabwah.	Do.	..	...	1911-12 ...	
1913-14 ...	,, ...	Lands commanded by Chakar.	Do ...	...	. .	1913-14 ...	
1914-15 ...	,, ...	Lands commanded by Hyderwah.	Do. ...	...	...	1911-12 ...	
1922-23 ...	,, ...	2 dehs Cheho and Aghan.	Do. ...	...	..	1920-21 & 1921-22.	
1915-16 ...	Moro ...	8 dehs ...	Floods	..	...	1914-15 & 1915-16.	
1920-21 ...	,, ...	Deh Shahpur ...	Do.	.	Since 1915-16 until protective bund erected.	...	Rule 1 also.
1891-92 ...	Kandiaro ...	31 dehs on Mahrabwah ,,	Unsatisfactory irrigation.	...	Till improvement ..	...	Rule 1 also. Reintroduced from 1896-97.
1892-93 ...	,,	Lands on Bahmanwah ...	Deficient water supply ..	..	-	1892-93 ...	Rule 1 also.
1894-95 ...	,, ..	Whole taluka ...	Do. ...	..	...	1894-95 ...	
1895-96 ...	,, ...	Do.	Do. ...	...	...	1895-96 ...	
1896-97 ...	,, ...	Do. ...	Do ...	. .	...	1896-97 ...	
1899-1900 ..	,, ...	Do. ...	Introduction of irrigational settlement.	..	...	Upto 1904-05.	
1907-08 ...	,, ...	Do. ..	Deficient supply ..	...	...	1907-08 ...	
1909-10 ...	,, ...	15 dehs on Mahrab ...	Bad working of Mahrab .	...	Until improvement .	...	
1911-12 ...	, .	Lands on Nasrat, Madad Lundo, Fatma, Mahrab, Gurkano, Radho and Bahmanwah.	Deficient supply ...	...	...	1911-12 ...	
1915-16 ...	,, ..	3 dehs	Do. ...	...	Until improvement .	...	Rule 1 also
1921-22 ...	,, ..	20 dehs	Do. ...	...	...	1921-22 ...	
1923-24	,, ...	5 dehs	Do. ...	.	...	From 1922-23 till the end of current settlement.	Do.
...	,, ..	4 dehs	Do. ...	...	...	From 1923-24 till the end of current settlement.	Do.

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended.		Reasons for suspension in brief.	Period of suspension.			Remarks whether any other rule or rules also suspended.
	Taluka.	Area, whether suspension order covers the whole taluka, or only a number of dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.		Indefinitely.	Until improvements have been effected.	For particular year or years.	
1	2	3	4	5	6	7	8
			THAR PARKAR DISTRICT.				
NOTE.—	Fallow Rules	are not applicable to	Thar Parkar Division :—				
1920-21 ...	...	Whole district ...	Deficient supply ...	...	...	1920-21 ...	
1896-97 ...	Mirpurkhas ...	Whole taluka ...	Unsatisfactory irrigation	...	Pending completion of Jamrao scheme.	...	
1907-08 ...	,, ...	Do. ...	Deficient supply ...	...	...	1907-08 ...	
1912-13 ...	,, ...	2 dehs ..	Unsatisfactory irrigation.	Indefinite ...	...	...	
1918-19 ...	,, ...	Whole taluka ...	Deficient supply ...	...	...	1918-19	
1921-22 ...	,, ...	Do. ...	Do. ...	..	..	1921-22 ...	
1923-24 ...	,, ...	Tract dependent on Jamrao.	Do. ...	...	...	1923-24 ...	
1907-08 ...	Digri ...	Whole taluka ...	Do.	...	...	1907-08 ...	
1909-10 ...	,, ...	Do. ...	Do. ..		..	1909-10 ...	
1918-19 ...	,, ...	Do. ...	Do. ...	...	...	1918-19 ..	
1921-22 ...	,, ...	Do. ..	Do. ...	...	...	1921-22 ...	
1923-24 ..	,, ...	Do. ...	Do. .	..	...	1923-24 ...	
1907-08 ..	Jamesabad ...	Do. ...	Do. ..	...	...	1907-08 ...	
1915-16 ...	,, ...	10 dehs	Do. ...	Indefinite ...	...	...	Reimposed in 1919-20.
1918-19 ..	,, ...	Whole taluka ...	Do. ...	...	...	1918-19 ...	
1921-22 ...	,, ...	Do. ...	Do. ...	..	...	1921-22 ...	
1923-24 ..	,, ...	Do. ...	Do. ...	...	...	1923-24 ..	
1912-13 ...	Khipro ...	15 dehs	Insufficient supply ...	Indefinite .	...	...	All rules suspended.
1913-14 ...	,, ...	35 dehs	Deficient supply ...	...	Until improvement in Nara supply.	..	Fallow rules not applicable to 2 dehs of desert tract.
1915-16 ...	,, ...	6 dehs	Do. ...	...	Do. ..	..	
1919-20 ...	,, ...	5 dehs of Mithrao tract .	Do. ...	...	...	Period of settlement.	
...	...	87 dehs of Nara tract ...	Do. .	...	Until construction of regulator on Khiprowah.	...	
1920-21 ...	,, ...	49 dehs	Do. ...	...	Do. ...	...	
1923-24 ...	,, ...	33 ,, ...	Do. ...	...	Do. ..	...	
1911-12 ...	Samaro ...	37 ,, ...	Low inundation ...	..	...	1911-12 ...	
1912-13 ...	,, ...	16 ,, ...	Deficient supply ...	Indefinite ...	...	...	All rules suspended.
1913-14 ...	,, ...	17 ,, ...	Do. ...	Do. ...	...	...	
1914-15 ..	,, ...	14 ,, ...	Do. ..	Do. ...	..	...	
1916-17 ...	,, ...	1 deh	Do. ...	Do. ...	...	...	
1917-18 ...	,, ...	32 dehs	Do. ...	...	Until improvement.	.	
1918-19 ...	,, ...	7 dehs	Do. ...	.	Do. ...	...	
1919-20 ...	,, ..	3 dehs of Mithrao tract .	Do. ...	...	Until construction of regulator.	...	
...	...	42 dehs of Mithrao Nara tract.	Do. ...	...	...	Period of settlement.	
1920-21 ...	,, ...	Shakh Darelo tract ...	Do. ...	...	..	5 years ...	
1923-24 ...	,, ...	55 dehs	Do. ..	...	Until improvement .	...	

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended.		Reasons for suspension in brief.	Period of suspension.			Remarks whether any other rule or rules also suspended.
	Taluka.	Area, whether suspension order covers the whole taluka, or only a number of dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.		Indefinitely.	Until improvements have been effected.	For particular year or years.	
1	2	3	4	5	6	7	8
			THAR PARKAR DISTRICT—*concld.*				
1896-97 ...	Sanghar ...	16 dehs	Unsatisfactory irrigation.	...	Until completion of Jamrao scheme.	...	
1912-13 ...	,, ...	45 ,, ...	Deficient supply ...	...	...	1912-13 ...	Fallow rules do not apply to 22 dehs from beginning 1909-10.
1918-19 ...	,, ..	45 ,, ...	Do. ...	...	...	1918-19 ..	
1920-21 ...	,,	45 ,, ...	Do. ...	..	...	1920-21 ...	
1921-22 .	,, ...	45 ,, ...	Do. ..	...	...	1921-22 .	
1923-24 ...	,, ...	45 ,, ...	Do. ...	..	Until improvement in Nara supply	...	
1896-97 .	Umerkot ...	10 dehs	Unsatisfactory irrigation.	...	Until Jamrao scheme completed.	...	
1907-08 ...	,, ...	53 ,, ...	Deficient supply ...	..	...	1907-08 ...	Fallow rules do not apply to 58 dehs from beginning, *i. e.*, 1907-08.
1912-13 ...	,, ..	33 ,, ...	Do. ...	Indefinite ...	..	...	
1918-19 ...	,, ...	53 ,, ...	Do.	...	..	1918-19 ...	
1920-21 ...	,,	53 ,, ...	Do. ..	..	...	1920-21 .	
1921-22 ...	,,	53 ,, ..	Do. ...	. .	...	1921-22 ...	
1923-24 ...	,, ...	53 ,, ...	Do. ...	...	Until improvement .	...	
			UPPER SIND FRONTIER DISTRICT.				
1895-96 ...	...	Whole district ...	Deficient supply ..	...	...	1895-96 ...	
1902-03 ...	...	Do. ...	Do. ...	..	...	1902-03 ...	In Shahdadkot taluka, rules were suspended indefinitely.
1918-19 ...	...	Do. ...	Do. ..	...	...	1918-19 ...	Do.
1920-21 ...	...	Do. ...	Do. ..	...	...	1920-21 ...	Do.
1890-91 ...	Shahdadkot ...	Whole taluka ...	Do. ...	...	19 dehs until improvement	Rest of taluka for 1890-91.	Rule :
1899-1900 ..	,, ...	Do. ...	Do ...	...	...	1899-1900 .	
1902-03 ...	,, ...	Do. ...	Do. ..	Indefinite ...	...	...	
1890-91 ...	Jacobabad ...	4 dehs	Do. ...	...	Until improvement .	...	Reimposedi 1917-18.
1907-08 ...	,, ..	Lands on desert canal ...	Do. ..	...	..	1907-08 ...	
1911-12 ...	,, ...	Lands on Begari canal..	Do. ...	..	...	1911-12 ...	
1912-13 ...	,, ..	Lands on Begari canal and Adiowah.	Do. ..	...	...	1912-13 ...	
1913-14 ...	,, ...	Lands on Adio, Unser, Nasir, New Gounspur and Tangwaniwahs.	Do. ...	...	...	1913-14 ...	
1899-1900 ..	Thul ...	Lands on desert canal ...	Do. ...	...	...	1899-1900 .	
1900-01 ..	,, ...	Lands on Desert and Unar	Do. ...	...	...	1900-01 ...	
1901-02 ...	,, ..	Do. ..	Do. ...	...	...	1901-02 ...	
1907-08 ...	,, ...	Do. ...	Do. ..	...	...	1907-08 ..	
1911-12 ...	,, ...	Lands on Fall Rajwah ...	Do. ...	...	..	1911-12 ...	

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended.		Reasons for suspension in brief.	Period of suspension.			Remarks whether any other rule or rules also suspended.
	Taluka	Area, whether suspension order covers the whole taluka, or only a number of dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.		Indefinitely	Until improvements have been effected.	For particular year or years.	
1	2	3	4	5	6	7	8
			UPPER SIND FRONTIER DISTRICT—*concld.*				
1899-1900 ..	Kashmore ...	Lands on desert canal ...	Deficient supply ...	...	...	1899-1900 .	
1900-01 ...	„ ...	Do. ..	Do. ...	..	...	1900-01 ..	
1902-03 ...	„ ..	Lands on bund canal ...	Do. ...	Indefinite ...	...	...	
1907 08 ...	„ ..	Whole taluka ...	Do. ...	...	...	1907-08 ...	
1911-12 ...	„ ..	Lands on Adiowah ...	Do. ...	...	...	1911-12 ...	
1912-13 ..	„ ..	Do. ...	Do. ...	..	...	1912-13 ...	
1915-16 ...	„ ..	Do. ...	Do. ...	..	..	1915-16 ...	
1916-17 ...	„ ...	Do. ...	Do. ...	...	...	1916-17 ...	
1917-18 ..	„ ..	Whole taluka ...	Do. ..	...	...	1917-18 ...	
1919-20 ...	„	Lands in 13 dehs on Adiowah.	Do. ...	..	Until improvement .	...	Rule 1 also.
1899-1900 ..	Kandhakot .	Lands on desert canal ...	Do. ...	...	...	1899 1900 .	
1900-01 ...	„ ...	Do. ...	Do. ...	...	...	1900-01	
1911-12 ..	„ ...	Lands on 5th and 15th miles channels.	Floods	Indefinite ...	...	...	
...	...	Lands on Unerwah ...	Deficiency	...	...	1911-12 ..	
1912-13 ...	Kandhakot ...	Lands on Uner and Nasir.	Deficient supply ...	...	...	1912-13 ..	
1913-14 ..	„ ...	Do. ...	Do. ..	...	...	1913-14 ...	
1919-20 ...	„ ...	Lands in dehs on Adiowah.	.....	..	Until improvement .	...	Rule 1 also.
			LARKANA DISTRICT.				
1907-08 ...	Mehar ..	Whole taluka ...	Deficient supply ..	...	...	1907-08 ..	
1915-16 ..	„ ..	23 dehs	Floods and deficient ...	Supply for ever from 1915-16.	...	...	Rule 1 also.
1915-16 ...	„ ...	Whole taluka ...	Deficient supply ...	..	...	1915-16 ...	
1917-18 ...	„ ...	Do. ...	Do. . .	...	...	1917-18 ...	
1920-21 ...	„ ..	3 dehs	Do. ...	...	...	1920-21 ...	
1895-96 ...	Labdaria ...	Whole taluka ...	Do. ...	..	...	1895-96 ...	
1898-99 ...	„ ..	Do. ...	Do. ...	...	...	1898-99 .	
1899-1900 ..	„ ...	Do. ...	Do. ...	...	...	1899-1900 .	
1907-08 ...	„ ..	Do. ...	Do. ...	...	...	1907-08 .	
1918-19 ...	„ ...	Do. ...	Do. ..	...	...	1918-19 ...	
From the time of settlement.	Kakar ...	43 dehs	Do. ...	Indefinite ...	...	...	
1913-14 ...	„ ..	Whole taluka ...	Floods and deficiency ...	...	...	1913-14 ...	
1914-15 ...	„ ...	11 dehs	Floods	...	...	1914-15 ..	
1915-16 ...	„ ...	33 „	Deficient supply ...	...	...	1915-16 ...	
1916-17 ...	„ ...	5 „	Do. ...	Indefinite ...	...	...	
1917-18 ...	„ ...	15 „	Deficiency and floods ...	...	...	1917-18 ..	
1920-21 ...	„ ...	4 „ ...	Deficient supply ...	...	...	1920-21 ...	
1923-24 ...	„ ...	28 „	Do. ..	Indefinite ...	...	...	

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended. Taluka	Area, whether suspension order covers the whole taluka, or only a number of dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.	Reasons for suspension in brief.	Period of suspension. Indefinitely	Until improvements have been effected.	For particular year or years.	Remarks whether any other rule or rules also suspended.
1	2	3	4	5	6	7	8
			LARKANA DISTRICT—*contd.*				
1895-96	Warah	Whole taluka	Deficient supply	..		1895-96	
1899-1900	,,	Do.	Do.	...	...	1899-1900	
1902-03	,,	Do.	Do.	..	...	1902-03	
1907-08	,,	Do.	Do.	..	..	1907-08	
1912-13	,,	18 dehs	Do.	Indefinite	..	..	
1918-19	,,	32 ,,	Do.	..	...	1918-19	
1920-21	,,	4 ,,	Do.		...	1920-21	
1899-1900	Johi	Whole taluka	Do.	..	...	1899-1900	
1902-03	,,	Do.	Do.	..	..	1902-03	
1904-05	,,	Do.	Do.	..	..	1904-05	
1907-08	,,	Do.	Do.	..	...	1907-08	
1918-19	,,	Do.	Do.	...	..	1918-19	
1920-21	,,	Do.	Famine	...	...	1920-21	
1923-24	,,	Dehs dependent on black water Wahi Jabal.	Insufficiency of rain water.	Till next settlement.	...	..	
1892-93	Dadu	2 dehs	Uncertain inundation	Indefinite		...	
1899-1900	,,	Whole taluka	Deficient supply	...		1899-1900	
1902-03	,,	Do.	Do.	..	...	1902-03	
1907-08	,,	Do.	Do.	...	...	1907-08	
1915-16	,,	Certain survey Nos. of deh Sutaro	Floods	Indefinite	...	..	
1918-19	,,	Whole taluka except dehs Doaho, Dawachi, Kinghar, Nasari Parubi and Kacha Sita.	Deficient supply	..	..	1918-19	
1920-21	,,	Whole taluka	Do.	Till the current settlement period.	...	..	
1890-91	Sehwan	Manchur lands	Floods ..	Indefinite ..	..	...	
1895-96	,,	Whole taluka	Scarcity of water		...	1895-96	
1898-99	,,	Do	Do.	...	...	1898-99	
1901-02	,,	Do.	Do.	...	..	1901-02	
1906-07	,,	Do.	Do.	...		1906-07	
1914-15	,,	Deh Chhach	Floods	Indefinite		...	
1916-17	,,	Whole taluka	Scarcity of water	Till the current settlement period.	...	...	
1895-96	Larkana	32 dehs	Drought	..	..	1895-96	
1898-99	,,	32 ,,	Do.	...	...	1898-99	
1899-1900	,,	32 ,,	Do.	..		1899-1900	
1907-08	,,	32 ,,	Do.	...	...	1907-08	
1918-19	,,	30 ,,	Do.	..	...	1918-19	
1898-99	Ratodero	29 ,,	Scarcity of water	..	...	1898-99	
1907-08	,,	Whole taluka	Drought	..	...	1907-08	
1911-12	,,	Do.	Do.	...	...	1911-12	
1912-13	,,	Do.	Do.	...	...	1912-13	
1918-19	,,	Do.	Do.	...	...	1918-19	

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended		Reasons for suspension in brief.	Period of suspension.			Remarks whether any other rule or rules also suspended.
	Taluka.	Area, whether suspension order covers the whole taluka, or only a number of dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.		Indefinitely.	Until improvements have been effected.	For particular year or years.	
1	2	3	4	5	6	7	8
			LARKANA DISTRICT—*concld.*				
1920-21 ...	Ratodero ...	3 dehs ...	Drought	...	...	1920 21 ...	
1921-22 ..	„ ...	1 deh ...	Do.	...	..	1921-22 ...	
...	„ ..	4 dehs ...	.....	...	Till current settlement.	...	
1911-12 ...	Mirokhan ..	Whole taluka ...	Deficient supply ...	...	...	1911-12 ..	
1912-13 ...	„ ...	37 dehs ..	Do. ...	...	...	1912-13 ...	
1913-14 ...	„ ...	7 „	Do. ...	..	...	1913-14 ...	
1918-19 ...	„ ..	55 „	Drought	..	...	1918-19 ..	
1920-21 ..	„ ...	14 „	Do.	..	.	1920-21 ...	
			HYDERABAD DISTRICT.				
1918-19 ...	...	Whole district ...	Bad inundation ...	...	...	1918 19 ...	
1902-03 ...	Hyderabad ..	Whole taluka ..	Deficient supply ..	...	...	1902-03 ..	
1906-07 ..	„ ...	2 dehs on Ashahadwah...	Do.	...	Until improvement .	...	
1907-08 ...	„ ...	Whole taluka ...	Do. ...	...	...	1907-08 ..	
1915-16 ...	„ ..	Do. ...	Do. ...	...	...	1915-16 ...	
1915-16 ..	Hala ...	Do. ...	Do. ...	...	...	1915-16 ...	
1920-21 ...	„ ...	24 dehs	Do ...	...	...	1920-21 ...	
1923-24 ...	„ ...	Portions of 4 dehs ...	Do. ...	...	..	1923-24 ..	
1896-97 ...	Tando Allahyar	Whole taluka ...	Do ...	...	...	1896-97 ...	
1902-03 ...	„ ...	Do.	Do. ...	...	..	1902-03 ...	
1904-05 ...	„ ...	Do.	Do. ...	...	.	1904-05 ...	
1907-08 ...	„ ...	Do.	Do. ...	...	...	1907-08 ...	
1915-16 ..	„ ...	Do	Do. ...	...	...	1915-16 ...	
1920-21 ...	„ ...	Do.	Do. ..	..	...	1920-21 ..	
1921-22 ...	„ ...	29 dehs	Do ...	..	...	For 10 years	
1923-24 ...	„ ...	68 „	Do. ..	...	Pending completion of the Barrage.	...	
1889-90 ...	Guni ...	Whole taluka ...	Bad inundation ..	.	...	1889-90 ...	
1895-96 ...	„ ...	Do. ...	Do. ...	...	...	1895-96 ..	
1899-1900.	„ ...	Do. ...	Do. ...	...	...	1899-1900.	
1902-03 ...	„ ...	Do. ...	Do. ..	...	...	1902-03 ...	
1907-08 ...	„ ...	Do. ...	Do. ...	...	...	1907-08 ...	
1909-10 ...	„ ...	Certain lands in 5 dehs affected by Budka Takar breach.	Breaches ...	...	...	1909-10 to 1914-15.	
1910-11 ...	„ ...	30 dehs	Do.	Until lands have sufficiently recovered.	...	...	Reimposed in 7 dehs in 1922-23.
1917-18 ...	„ ...	7 dehs	Deficiency ...	...	...	1917-18 to 1919-20.	Rule 1 also.
...	...	1 deh (Dadkero) ...	Do.	...	Until improvement..	...	
1918-19 ...	„ ..	2 dehs	Do.	...	..	1918-19 to 1919-20.	Rule 1 also.
1920-21 .	„ ...	109 dehs	Do.	...	..	1920-21 ..	
1923-24 ...	„ ...	1 deh	Do.	...	...	5 years ...	
...	...	7 dehs	Do.	...	Until improvement..	...	

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended.		Reasons for suspension in brief.	Period of suspension.			Remarks whether any other rule or rules also suspended.
	Taluka.	Area, whether suspension order covers the whole taluka, or only a number of dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.		Indefinitely.	Until improvements have been effected.	For particular year or years.	
1	2	3	4	5	6	7	8
			HYDERABAD DISTRICT— *concld.*				
1895-96 ...	Badin ...	Whole taluka ...	Deficient supply ...	...	...	1895-96 ..	
1899-1900 ..	,, ...	67 dehs	Do. ...	...	...	1899-1900 .	
1902-03 ..	, ...	Whole taluka ...	Do. ...	...	...	1902-03 ...	
1914-15 ..	,, ...	Lands settled on Kaziawah old (10 dehs).	Do. ...	.	...	1914-15 to date.	
1920-21 ...	,, ...	27 dehs	Do. ...	...	...	1920-21 ...	
1921-22 ...	,, ..	7 ,, ...	Do. ...	...	...	1921-22 ...	
1923-24 ...	,, ...	3 ,, ...	Do. ...	...	Until improvement..	...	
1895-96	Tando Bago ...	Whole taluka ...	Do. ...	...	...	1895-96 ...	
1899-1900 .	,, ...	Do. ...	Do ...	...	...	1899-1900 .	
1902-03 ...	,, ..	Do. ...	Do. ...	...	..	1902-03 ..	
1907-08 ...	,, ...	90 dehs	Do. ...	..	...	1907-08 ...	
1911-12 ...	,, ...	59 ,, ...	Non-clearance of the canal system.	...	...	1911-12 ...	
1912-13 ...	,, ...	20 ,, ...	Deficient supply ...	...	...	1912-13 ..	
1915-16 ...	,, ...	19 ,, ...	Do. ...	...	. .	1915-16 ...	
1919-20 ...	,, ...	28 ,, ...	Do. ...	...	...	1919-20 ...	
1920-21 ...	,, ...	70 ,, ...	Do. ...	...	..	1920-21 ...	
1921-22 ..	,, ...	25 ,, ...	Do. ...	...	. .	1921-22 to 1923-24.	
1895-96 ...	Dero Mohbat...	66 ,, ...	Do. ...	...	...	1895-96 ..	
1899-1900 ..	,, ...	50 ,, ...	Do. ...	...	...	1899-1900 .	
1902-03 ...	,, ...	53 ,, ...	Do. ...	..	...	1902-03 ...	
1907-08 ...	,, ..	64 ,, ...	Do. ...	...	...	1907-08 ...	
1915-16 ...	,, ...	44 ,, ...	Do. ...	...	..	1915-16 ...	
1920-21 ...	,, ...	92 ,, ...	Do. ...	...	...	1920-21 ...	
1923-24 ...	,, ...	56 ,, ...	Chronic deficient supply.	...	Until the current settlement period.	...	
			SUKKUR DISTRICT.				
1911-12 ...	...	Whole district ...	Poor inundation ...	...	...	1911-12 ..	
1918-19 ...	...	Do. ...	Do. ...	...	...	1918-19 ..	
1920-21 ...	...	Do. ...	Do. ...	...	...	1920-21 ...	
1895-96 ...	Sukkur ...	Whole taluka ...	Deficient supply ...	..	...	1895-96 ...	
1899-1900 .	,, ...	Do ...	Do. ...	...	...	1899-1900 .	
1902-03 ...	,, ...	Do. ..	Do. ...	..	...	1902-03 ...	
1907-08 ...	,, ...	Do. ...	Do. ...	...	...	1907-08 ...	
1912-13 ...	,,	Do. ...	Do. ...	...	...	1912-13 ...	
1895-96 ..	Shikarpur	Do. ...	Do. ...	...	...	1895-96 ...	
1899-1900 .	,, ..	Do. ...	Do. ...	...	...	1899-1900 .	
1902-03 ...	,, ..	Do. ..	Do. ...	...	...	1902-03 ...	
1907-08 ...	,, ..	Do. ...	Do. ...	...	...	1907-08 ...	
1912-13 ...	,, ..	Do ...	Do. ...	...	...	1912-13 ...	

Year in which the suspension order was passed.	Tract in which fallow rule 4 was suspended.		Reasons for suspension in brief.	Period of suspension.			Remarks whether any other rule or rules also suspended.
	Taluka.	Area, whether suspension order covers the whole taluka, or only a number of dehs or particular land dependent on certain canal or section of it, *i.e.*, within certain miles of the canals length.		Indefinitely.	Until improvements have been effected.	For particular year or years	
1	2	3	4	5	6	7	8
			SUKKUR DISTRICT—*concld.*				
1895-96 ...	Garhi Yasin ...	Whole taluka ...	Deficient supply ...	...	...	1895-96 ...	
1899-1900 ..	,, ...	Do ...	Do. ...	..	...	1899-1900.	
1902-03 ...	,, ...	Do. ...	Do. ...	...	..	1902-03 ...	
1907-08 ..	,, ..	Do. ..	Do. ...	...	...	1907-08 ...	
1911-12 ...	,, ..	9 dehs	Deficient supply in Drakhanwah.	...	Till improvement of water supply in Drakhanwah *ex* Begari canal.	...	
1912-13 ...	,, ...	Whole taluka ..	Deficient supply ...	...	...	1912-13 ...	
1922-23 ..	,, ...	4 dehs	Do. ..	...	..	3 years ..	
1895-96 ...	Rohri ...	Whole taluka ...	Do. ...	...	...	1895-96 ...	
1899-1900 ..	,, ..	Do. ...	Do. ...	...	...	1899-1900.	
1902-03 ...	,, ...	Do. ...	Do. ...	...	...	1902-03 ...	
1907-08 ...	,, ...	Do. ..	Do. ...	...	...	1907-08 ...	
1912-13 ...	,, ...	Lands dependent on Janibwah and Garkanowah.	Do. ...	...	..	1912-13 ..	
1915-16 ...	,, ...	4 dehs	Floods	Indefinite ...	...	...	
1904-05 ...	Pano Akil ...	Whole taluka except dehs of tapa Mahrapur.	Deficient supply ...	Do. ...	...	...	
1912-13 ...	,, ...	All remaining dehs ..	Do. ..	...	..	1912-13 ...	
1922-23 ...	,, ...	All dehs of tapa Mahrapur.	Deficient supply in Maherowah.	...	Till improvement of Maherowah.	...	
1904-05 ...	Ghotki ..	51 dehs	Deficient supply ...	...	Till improvement in water supply.	...	
1912 13 ...	,, ...	Lands on Mahesarwah ...	Do. ..	...	...	1912-13 ...	
1902-03 ...	Mirpur Mathelo	Whole taluka ...	Do ...	..	...	1902-03 ..	
1912-13 ...	,, ..	Do. ...	Do. ..	...	...	1912-13 ...	
1915-16 .	,, ...	9 dehs	Failure of water supply .	...	.	1915-16 ...	
1916-17 ..	,, ..	17 dehs	Deficient supply ...	...	..	1916-17 & 1917-18	
1923-24 ...	,, ...	Lands dependent on Mahiwah, Daharwah, Sonanwah and Darhar branches Nos. 1 and 2.	Do. ..	...	...	1923-24 ...	
	,,	1 deh	Do. ...	Indefinite ...	...	...	
1896-97 ...	Ubauro .	Whole taluka ...	Do ...	...	...	1896-97 to 1903-04.	
1912-13 ...	,, ...	Do. ...	Do. ...	..	...	1912-13 to 1914-15	
...	,, ...	Lands dependent on Seharwah.	... ..	...	Till improvement.	...	
1915-16 ...	,, ...	Whole taluka ..	Deficient supply ..	...	...	1915-16 ...	
1916-17 ...	,, ...	32 dehs	Do. ...	...	...	1916-17 & 1917-18 .	
1923-24 ..	,, ...	Whole taluka ...	Do. ...	...	...	1923-24 ...	

Report of the Non-Official Members

OF THE

Fallow Rules Committee.

L (iv) 235-13-*a*

REPORT.

In pursuance of a Resolution passed by the Bombay Legislative Council on 19th July 1925, the Government were pleased to appoint Messrs. Hudson, Covernton, Lane and the undersigned as the members of the Fallow Rules Committee—

Introductory.

"(1) to examine the existing (Fallow Rules generally and to make any recommendations they may think proper for their modification, revision or repeal:

(2) more particularly to consider the question of the restoration, to the original holders, of lands forfeited under the rules, the conditions on which such restoration should be made, to what extent, if any, such holders have a lein on lands so forfeited, and what interpretation has been placed upon the rules by successive Commissioners in Sind."

We have carefully considered the mass of evidence before us; we have given every thought to all that the official as well as non-official witnesses have urged; and after fully discussing the subject with some of the foremost witnesses who were sent for oral evidence, we beg to report as under:—

Fallows: An essential feature of Sind agriculture.

1. In Sind, fallows are an inseparable accident in the industry of its agriculture. Before the conquest of the Province in 1843, the Amirs used to levy a share of the produce of the cultivated land only. That which lay fallow paid no tax to the rulers. The climate, the soil and the only source of irrigation supplied by the river Indus, made fallows necessary; and no ingenuity or toil of man could avoid this necessity. Despite this consensus of opinion in the past on the question of fallows, we invited the opinions of zamindars, officials and experts, as to whether fallows were still necessary in Sind; their answers both written and oral, which need not be reproduced here, establish the proposition that, in Sind, for a variety of reasons, land generally cannot be cultivated continuously from year to year, and has to be left fallow, in order that its fertility may be restored. There are soils and soils. Again some land is cultivated by means of the river-water, which flows over it through the canals There is some land to which water has to be lifted, by the aid of Persian wheels. Very little land is irrigated from the wells or on rain-water, but whatever the source of irrigation, land in Sind does not and cannot bear annual cultivation, (without manure; and manure is scarce) and has to be left fallow, may be for a short period or may be for years together, according to its situtation, quality and water-supply. We therefore hold that fallows must be recognized, for the present, as an essential feature in the industry of agriculture in Sind.

Land tenure in Sind, Zamindari.

2. The question as to the liability of the land, that lies fallow, to a tax or to a rent, must necessarily take us to the custom which prevailed in the days of the Amirs and in the early days of the conquest, before the present fallow rules were imposed upon the land-owning classes in Sind in the year 1887. The examination of the fallow rules therefore involves the examination of the Land Tenure in Sind, both in the days of the Amirs as well as in the days of their successors, the British Government. By what name was this tenure called? Was it called Rayatwari or Zamindari? Both these terms are not terms of modern nomenclature, but of ancient times. They are both of pre-British origin. Their connotation and denotation were as well known in pre-British days as in the present days. We venture to affirm that as in the Deccan the system was known and called Rayatwari, in Sind the system was purely that of zamindari.

3. At the time of the conquest the British Government found in Sind a larged body of Jagirdars, Zamindars and Cultivators. Jagirdars were the alienees of the land revenue from the Amirs; Zamindars the proprietors of the land; and Cultivators, the labourers, who were brought to work on the land by the zamindars.

4. The Jagirdars who paid their homage to the British Government, in the person of Sir Charles Napier, were confirmed in their Jagirs. The Zamindars who owned the land paid a share of their produce (battai) as land tax to the British Government, in the same way as they did to the Amirs, and were left in possession and enjoyment of the land they held. The cultivators were, mostly tenants at will and received, as their wages, a share of the produce from the zamindars and owed no duty direct or indirect to the State.

5. This was the state of affairs which the British Government found at the time of the conquest, in the main, and this is the system which is still in force inspite of the attempts which have been made to "adapt" the Bombay system to Sind, by the addition of executive orders, circulars and rules, sometimes over-riding and sometimes altering the provisions of the Bombay Revenue Code. Attempts have recently been made to style zamindars as occupants in official registers, but the unalterable fact remains that the zamindar is a zamindar still, the man who pays land tax to Government, and gets the land he owns cultivated by the *hari* who has nothing to do with the Government. The tenure was in pre-British days zamindari and is still in fact zamindari, howmuchsoever it may be hidden under a different terminology.

Tenure: Evidence of British Officers of the conquest days.

6. In this connection, the evidence of British officers in the early days of the conquest, who devoted care and thought to this subject, is very valuable. The following excerpt from the note printed at page 112 of the Selections from Government Records, Series XVIII of 1855, signed by Mr. A. Young, speaks for itself :—

> Page 128. "The mode of land tenure in Sind is very simble, well adapted to the exercise of individual enterprise and the investment of capital in improvement, and it is very desirable that the revenue system should conform to it. It is in fact nearly the same as tenure of land in England, with the exception that the land is all subject to the payment of "khiraj" or tax to Government. The first and universal land-tax was in all probability a share of the produce, and even when this was commuted for a fixed amount, it could only be paid from land that was cultivated. This is precisely the condition of land in Sind. Cultivated land is the property of private individuals, to whom in many instances, it has been handed down by their ancestors for countless generations. It is theirs to cultivate, to sell or to mortgage or bequeath to their children and subject only to the payment of the tax. It has been objected that the amount of the tax being at the discretion of the Government, reduces the land-owner to the state of a tenant, and constitutes the Government landlord; but except in so far as Government is absolute, the tax could not be legally raised above what was legal under the previous rulers, and so far from this being done, the tendency is all the other way, and a permanent settlement would remove this objection for over."

Rights of jagirdars and zamindars distinguished.

7. Mr. Young then goes on to clear the confusion between the right of jagirdars and zamindar and points out that jagirdars were merely alienees of land revenue, the owner of the land being the zamindar. This is how he concludes this subject. "The land-owner in Sind is called the zamindar. The zamindars are almost all Mussalmans but Hindu capitalists occasionally become purchasers, and still often hold land in mortgage."

8. After concluding his observations on the tenure of land, Mr. Young goes on (page 137, para. 97). "It would be impossible in Sind to levy anything, however small, on any but cultivated land, that is, on the cultivation; so that the only question to be settled is, what are the capabilities of the soil when cultivated, and we get rid of the question of how long the land is likely to lie waste or fallow."

9. Sir Bartle Frere, who was the second Governor and the first Commissioner of Sind, after Sir Charles Napier had retired from the Governorship of the Province, wrote in 1855 as follows :—

Sir Bartle Frere's opinion on land tenure.

> "The ordinary tenure in Sind is that of a zamindar or land-holder, who exercises wholly or in part *the privileges of the land-owner*. The extent of such privilege varies, according to custom, from that of *an absolute proprietorship of the land*, subject to the payment to Government of whatever may be the customary Government share of the produce, down to that of an ill-defined and often disputed claim to levy a lapa or rent on all cultivated land. Sometimes the zamindar is also the cultivator or the cultivator is removeable at the zamindar's pleasure, the cultivator is quite independent of the zamindar."

10. The first survey of Sind lands ordered by Sir Bartle Frere, was a '*rough*' one. The orders and instructions with reference to this rough survey are contained in the above volume. This rough survey was popularly known as 'Thakbust'; and in the registers of this survey, the tenure of the zamindars was inserted as zamindari, under the column of ownership.

Rights registered in the first survey.

11. The word occupancy was unknown in those days; it has for the first time come in use after the Bombay Land Revenue Code of 1879. In all Surveys and Settlements which were tried and changed from time to time in Sind, prior to 1887, the zamindars were entered in the Registers not as occupants but as owners. In the pattas granted in 1867, the words were "Zamindar" and "Zamindari" "the land that is yours" (*vide* Sind Law Reporter, Volume VII, page 174) It has never been contended that the Bombay Land Revenue Code, was passed with reference to the tenure of land in Sind. On the contrary it was passed only for the Presidency and its provisions have been applied to Sind later with many alterations and reservations, by the issue of executive orders, admitting that the conditions of Sind tenure are totally different from those of the Presidency proper.

The term 'occupancy' introduced after 1879.

12. Sind having been placed under Bombay, its administration had of necessity to be placed in the hands of the officers whose earlier career and training had all been acquired in the Presidency. They came to Sind prepossessed in favour of the Deccan system, and so deeply were they steeped in the notions ingrained in them by the working of the rayatwari system of the Deccan, that they found it difficult to believe that another system could show superior advantages. There is a long correspondence printed by Government in a selection entitled "Papers relating to Revenue Survey in Sind" which, when read patiently, gives a deep insight into the controversy carried on with the Government of India with regard to the suitability of the different systems of settlement to Sind. It is a volume exceeding 500 and odd quarto pages, and contains very valuable information on the entire subject of land tenure in Sind. The letter No. 1417, from the Government of India, dated the 14th February 1865, to the Government of Bombay is of special interest. Para. 19 of this letter is worded as follows :—

The opinion of the Government of India on the land tenure in Sind.

> "The Governor-General is anxious that the tenures of land in Sind should be carefully ascertained and settled on their merit, both as regards the conflicting interest of different parties and their connection with the State. *He has little doubt but that proprietary rights in the soil do exist throughout that Province, and that it only requires the application of knowledge and experience of the subject to develop and record them.*" (The italics are ours).

13. The Bombay Government, however, refused to apply the requisite knowledge and experience, and went on blundering and changing and chopping the settlements in Sind, first trying one settlement, then another and yet a third, until they found that they had made such a sorry mess that

The minute of the Honorable Mr. Gibbs on the application of the Bombay Land Revenue System to Sind.

the Honourable the Board consisting of His Excellency the President, the Honourable Mr. Rodgers and the Honourable Mr Gibbs, put their heads together to extricate the zamindars from the ruin which the various settlements in Sind had brought upon them. The minutes recorded by the members of the Honourable Board in the year 1874 are extremely illuminating. We m ke no apology for giving below the following passages from the minute of the Honorable Mr. Gibbs, page 527 of the above compilation—

> "We found men, called zamindars, holdi g very large estates, of which only a poition was cultivated, and on which they paid a revenue in kind obtained by "battai" or division of the crop, a plan which in its integrity had the benefit of taking only assessment on what was actually produced by the soil. In practice however, the system led to fraud from the zamindar to the lowest menial employed . . . . . According to our Deccan system we have, I understand, cut up his estate into fields convenient for survey numbers, and after making allowance for fallows, we placed an assessment on the whole estate. The zamindar has undertaken to pay this, light as the survey officers consider it, viewed from a Deccan point of view, but simply *ruinous* to the owner, owing to his inability to cultivate more than a portion of it—an inability which in my opinion is mainly caused from the scanty population of the Province, which prevents more than a certain portion of it being brought under cultivation . . . . . We are in fact revolutionizing the revenue system of the Province and are trying to apply to large holdings a scheme which was intended only for rayatwari small holdings, and hence the great difficulty of the case. Could we blot out what we have done as regards the large holdings, and begin afresh, it would be the easier task, but this, I presume could not be done."

Rates levied on cultivated land only.

14. The upshot of this conference was at first a great hesitation as to what to do under the circumstances. Accordingly His Excellency ordered a further consideration, and further minutes were written, and eventually on the 10th March 1875, the Government of Bombay issued a resolution by which the 'fallow diffused' settlement which had ruined the zamindars was abolished and *full rates were levied on cultivated land only.*

Zamindars formerly paid no tax upon fallow land: Opinion of Major Francis.

15. We think we have said enough to make it clear that Sind tenure is zamindari as distinguished from rayatwari. We do not wish to make this report intricate by reviewing at length the various incidents of the zamindari tenure, but will confine our attention to the rights of zamindars over fallow lands, or lands on which no cultivation has been done for years together. In the days of the Amirs zamindars paid no demand upon fallow land. In support of this statement, we have been referred to para. 11 of Major Francis, Memorandum, dated 26th December 1862, printed at page 18 of the "Selections from the Records of the Government No. CXCIV, New Series, Part I," which we reproduce below :—

> "Captain Haig's assertion that it was not the custom of the former rulers to remit the Government demands, because the land lay fallow, is scarcely correct. No rent whatever was levied from land, when fallow, by the late Amirs of Sind. Under their battai system, their revenue was derived solely from cultivation, being a share of the actual produce of the year; and as the zamindars retained their rights over uncultivated lands, it seems to me that fallows were recognized under such a system."

This was written sixty-four years ago, when only about 20 years had elapsed after the conquest, and events were fresh in the minds of the people; and there can be no imaginable reason for disputing the correctness of this statement.

Fallows under Sir Bartle Frere's Rough Survey and Settlement.

16. The system of battai was followed by the British for several years, after the Conquest, when the battai share was commuted into cash payment. It is quite safe to say that in the early days of the British rule, the exemption of fallow

land from the state demand was a recognized practice. Some years later, *i.e.*, in 1855, Sir Bartle Frere attempted to introduce into Sind "A Rough Survey and Revenue Settlement." This Rough Settlement and Survey merely recorded the shape and boundaries of the estates of the zamindars, and ascertained the amounts of revenue payable by them in respect of those estates.

17 The rough or thakbust settlement was succeeded by the fallow-diffused settlement. The essence of this settlement was in the words of Sir Henry Evans James (*vide* page 569 of the Commissioner's old circular book) that "assessment was fixed at a rate that would allow for fields necessarily lying fallow. Thus if the assessment on a field when cultivated was Rs. 4 per acre, and two fallows were needed, the annual assessment presumably payable was fixed at Rupees ÷ 3."

Fallows under "The Fallow-diffused Settlement." System ruinous to Sind Zamindars and therefore abandoned.

18. We have shown above, how this system led to the ruin of the zamindars and how it was abolished in 1875. To quote Sir Henry Evans again "it was therefore decided on the recommendation of a committee assembled in Sind, at which a member of the Bombay Government and the Commissioner in Sind were present, to abandon this system and to adopt a system which left fallows out of account, rendering the area comprised in each survey number liable to the payment of full rates fixed on it *when cultivated.* (*Vide* Government Resolution No. 1438, dated 10th March 1875)." In confirmation of this arrangement, a rule was framed which is printed at page 572 of the abovementioned book. It runs as fallows :—

> "Under the Temporary Settlement, assessment will be levied on cultivated numbers only."

19. A settlement is more or less a contract between the Government and the zamindars and the sanctity of a contract cannot be too much emphasized. In 1875, the levy of the demand of the State was confined to a full rate on cultivated land only, thereby exempting fallow land altogther from payment of any demand. This was a contract, and its validity was even affirmed in the year 1884, under the following circumstances.

20. It was in contemplation to create certain privileged estates and the Commissioner in Sind, under the promise which he had made of submitting his proposals regarding this privileged class, was called upon to report on the matter. Mr. Erskine in his letter No. 3068, dated the 1st of August 1884, reported as under :—

Introduction of "Temporary Settlement"—Fallow rules set aside.

> "Since the question was first taken into cosideration the system of survey has been much modified, and at present what are for convenience called temporary settlements have taken the place of the former regular settlements. Under the new settlements, *assessment is leviable on cultivated numbers only, all restrictions and fallow rules being set aside.* This system it will be seen makes every estate to a great extent a privileged estate, and it confers on all, one of the most valuable privileges I proposed formerly for a few only."

For this reason, Mr. Erskine wrote "to recommend that for the present at all events nothing more need be done. Should the recently introduced settlements become general in Sind, the need for privileged estates would pass away." The Government of Bombay concurred and in their Resolution No. 6836, dated the 25th August 1884, and dropped the question of privileged estates.

21. In clear and unambiguous terms "all restrictions and fallow rules were set aside" in 1884, and yet we find, that only in three more years' time, this solemn promise was set aside, and the local officers like Colonel Anderson and Colonel Haig, advanced specious arguments and the Bombay Government, in utter forgetfulness of what they sanctioned in 1875 and reaffirmed in 1884, re-imposed

Fallow rules re-imposed three years later.

the fallow rules on the zamindars of Sind. The sanctity of the contract, and the faith on which the creation of privileged estates was abandoned were no matter for consideration.

22. It may then be considered to be clearly established that up to the year 1887, the fallows in Sind never paid any rent or tax in cash or in kind to the British Government, or to the previous rulers, the Amirs of Sind.

Fallow rule No. 4.

23. For the first time, the demand on fallow land of assessment was made when the fallow rules were passed in 1887 and rule 4 of these rules made a full year's assessment payable in the fifth year, failure of which payment entailed a forfeiture under section 150 of the Bombay Land Revenue Code. This innovation was most certainly in the nature of an encroachment upon the rights of the zamindars. It does not appear that any zamindars were consulted or their consent was taken to the imposition of this additional burden or the curtailment of their right to hold the fallow land rent-free. Nor have we been referred to any correspondence from which a justification for taking fallows could be inferred. It is possible that on the basis of the State being the owner of the soil in the Bombay Presidency, and the holder of the land being merely a rayat paying rent for his occupation, a demand for rent of land occupied but not cultivated might be justified. Such a justification is altogether absent in a zamindari tenure, under which the zamindar is the owner of the soil and the settlement made with him guarantees him an immunity from assessment over fallows.

24. The introduction of fallow assessment in the year 1887 was therefore not just and not in keeping with the high standard of morality which respects vested rights and given pledges, and which is the distinguishing feature of the British rule in India. In this connection we will invite attention to the evidence of Mr. Vastiram Dialmal, Deputy Collector of Mehar (page 38 of the printed book of evidence), who has very ably and succinctly stated the case with an independence of mind which is very refreshing and which we have sadly missed in most official witnesses. Mr. Vastiram concludes his observations as follows :—

> " I regard the fallow rules therefore to be an innovation of 1887 only, and as such opposed to the oldest usages and good policy."

Results of the working of rule 4.

25. We shall now discuss the results which have flowed from the enforcement of the fallow rules during the last 39 years. From the contents of the Historical note appended to the circular of fallow rules, we gather that the object of the fallow rules was to prevent land grabbing on the part of the zamindars and to promote the extension of cultivation. The Secretary of the Committee has, at our request, compiled a statement for the last 20 years, showing the area that has, in each year, been forfeited to Government in default of payment of fallow assessment, and of the cash amounts that have been paid to Government as fallow assessment, in order to escape the forfeiture clause. We should have preferred to have a complete statement, not for 20 years only, but for the entire period of 39 years, that is to say from the year 1887 down to the present day. However the figures of the past twenty years are a fair index of what must have happened in the previous nineteen years. It is unfortunate that even the figures of some of the Districts in certain years, out of these twenty, are altogether missing, and therefore we cannot give here the exact totals of these twenty years. The figures however such as they are, show that fully 777,000 acres have been forfeited to Government and almost 32 lakhs of rupees have been paid into the Government Treasury to save the lands from forfeiture. If we were to supply the missing figures of certain districts on the system of averages, we shall be well within the mark, if we put the total of forfeited area to 10 lakhs, and the amount paid to save the forfeiture at rupees 40 lakhs.

Forfeiture figures appalling.

26. These figures are apt to give any one a pause. In one word they are appalling. No Government which has the good of the land owning classes at heart, can contemplate with composure, the transfer of enormous quantities of land from private ownership to the

ownership of the Crown. We doubt very much if the framers of the fallow rules could have an inkling of the havoc which these rules would play with private property. A tree is to be judged by the fruit it bears. The fallow rules, while enacted with an ostensible and declared object of preventing land grabbing on the part of the zamindars, have enabled Governmbnt to grab the land of private owners, not to any negligible extent, but to an enormous extent. This one fact is sufficient to condemn the fallow rules and to throw into the shade any plausible or special arguments which their apologists may advance.

Recommendation for abolition of fallow rules.

27. *We are clearly and definitely of opinion that the fallow rules, whatever their legality, must be abolished,* for in their actual working for the past 40 years, they have been found to be nothing better than a confiscatory measure. They carry their own condemnation.

Reasons why zamindars are compelled to let their lands be forfeited.

28. We have been at some pains to find out why it is that land-owners after a vain struggle to save their lands from forfeiture, have at last been compelled to let them go. Why is it that they did not or could not cultivate them? In the questionnaire drawn up by this Committee, questions were framed to elicit answers to this phase of the case. The answers to these from all zamindar witnesses and many official witnesses may be summed up in six words "want of water and of labour." Both these facts are outside the control of the zamindar. Labour has a tendency to concentrate where there is water, and water is, in the case of lift lands, hardly one-third of what is required for the total area. Mr. Hamid A. Ali says "it should be presumed unless the contrary is proved that, when lands were forfeited, the occupant was helpless, owing to lack of water level or capital." Mr. Taunton, Collector of Hyderabad, says "delay in applying for restoration is frequently due to causes beyond a zamindar's control, such as lack of money, labour or water-supply." We fail to imagine, what wisdom there is in penalizing zamindars for causes which they cannot control.

29. Superficial witnesses have attributed the fault to zamindars, and have called them lazy; some have said that if the rule 4 of the fallow rules, were not there, the zamindar would not be urged to make the best use of his land. It is a sort of whip, the dread of which make the zamindar alert. This sort of argument has no force whatever, There is no greater incentive than an economic force to human industrialism. Good water-supply and good land can never be neglected, in these hard days of struggle for existence. While hundreds of adventitious aids, like the fallow rule 4, will not make water-less lands fertile, they can only inflict hardship and misery.

Mr. Giles' opinion on fallow rules.

30. *Mr. Giles, the Collector of Shikarpur,* showed a true insight into and a correct appreciation of the situation when he wrote:—

> "Nor from this unpopular measure is there, I would respectfully submit, any corresponding advantage to be gained, for I firmly believe that except where interference is justified by the occupants' want of energy or means, and where far simpler rules could be applied, Government will never be a rupee richer by the retention of the fallow rules; and this because the cultivation of land is guided by economic laws, with which it is mischievous to interfere and because a survey number will inevitably be cultivated as soon as it has come within the margin of cultivation, *i. e.*, the condition where it will pay the cultivation."

Fallow rules suspended practically for whole of Sind.

31. Moreover the fallow rules are practically dead. Their operation has been suspended by the Commissloner-in-Sind over 5,266 villages out of the total of 5,363 villages, which comprise the entire Province. Only in 97 villages, these rules are at present in force. The Commissioner-in-Sind has suspended them because consistent with the existing supply of water, the utmost limit of cultivation has been reached. There is no room for further extension. This is a clear admission of the principle that when there is no water to spare, there can be no compulsion to cultivate fallows. Is it worth-while to flog this dead horse any more? We think the fallow rules are practically dead by the effect of time.

32. The fallow rules have caused many searchings of the heart, not only amongst the zamindar class, but amongst several administrative officers who knew the inner working of these rules. Mr. Giles who was an Assistant Collector for many years, and who served as Collector in every district of Sind and who rose to be Commissioner-in-Sind was altogether opposed to the spirif of the fallow rules. Sir John Muir Mackenzie, than whom few abler officers have been at the head of the Sind administration, fully contemplated the abolition of the fallow rules. He wrote in 1904 as follows :—

Opinions of Sir John Muir Mackenzie and other officers on the working of fallow rule 4

> "In a bad year, the operation of rule 4 is always suspended and in a good year when all the land is pretty certain to be cultivated for which water is available, there should ordirnarily be little occasion to enforce it. The forfeiture of time expired fallow lands is moreover merely nominal, since forfeited lands are almost always given back to the original proprietors. The amount of revenue is not large compared to the total revenue of the Province The abolition of the rule too is likely to result in an appreciable saving of work all round."

Among the officers whom Sir John consulted, Mr. J. L. Rieu and Sirdar Mahomed Yakub were in favour of the abolition, but the others were against it and in this conflict of opinion, Sir John hesitated to take action forthwith. He wrote "I remain largely unconvinced."

> "There is something unsound in a rule which you are always having to suspend and the operation of which you constantly nullify by giving back the forfeited land to the original owners after excusing them from paying arrears of fallow assessment. All the exceptions and discretion allowed must provide innumerable opportunities for palm greasing and every one admits the system causes a great deal of work. I believe land-grabbing could be easily checked by charging, when it was suspected, a handsome malkano, and I strongly suspect that where we get more revenue from fallows we find there is most difficulty in finding water and haris, *e. g.*, in lift lands and in a badly supplied district like Sukkur. That Mr. Mules should give such a hesitating opinion in favour, that Mr. Rieu should be so largely against retaining the rules and that Sirdar Mahomed Yakub should be glad to see them abolished far more than half the cultivated area, greatly impresses me. Against the general opinion that the zamindars acquiesce fairly contendedly, I regard as of great weight the Sardar's opinion that the fallow rules are the most unpopular feature of our revenue administration. But I have not the time to make up my mind and I commend the matter to my successor for consideration and I make no promise to leave this here undisturbed after I return to the country."

It was a misfortune that Sir John Muir Mackenzie did not return to the country and the fallow rules ran on. Every word that Sir John wrote is worth its weight in gold and has our hearty approval. Twenty-two years have passed since then, much water has flowed under the bridges, a great scheme for revolutionizing the irrigation has made a start, the furthest limit of cultivation on inundation canals has been reached, the fallow rules have been suspended on 98 per cent. of the villages of Sind and if Sir John Muir Mackenzie had been in Sind, or at the Government House at Bombay (he was acting Governor of Bombay for a time) he would no longer hesitate, but let the fallow rules go once for all.

33. It might be of interest here to quote from the minute which the Honorable Mr. J. L. Rieu wrote on the subject in 1905. Mr. Rieu's career has been almost entirely made in Sind. There is not a Sub-division in Sind in which he has not served as Assistant Collector and there is no district of Sind in which he has not worked for years together as Collector. His views therefore could not

The Honorable Mr Rieu's minute.

under any circumstances be lightly passed over. The whole of his minute is worth reading, and we make no apology for reproducing it here.

Mr. Rieu wrote as follows :—

"2. I attach for your perusal a copy of the report submitted by the Assistant Collector of Larkana which puts the case for the retention of the rule clearly and forcibly and urges practically all that can be said in its favour. The Assistant Collector of Sewhan takes the same view and uses much the same arguments.

"3. Personally after giving the matter much consideration I am inclined to believe that the necessity of the rule in its present form no longer exists, and that without altogether discarding the principle that a zamindar must at stated intervals pay assessment on his land or suffer in default its forfeiture to Government, the degree of stringency with which that principle is enforced can without detriment and with considerable advantage be to a great extent relaxed. I think that too much weight is generally given to the stock arguments in favour of the rule that it operates as a check on the acquisitive tendencies of zamindars and as a stimulus to indolent and indifferent cultivators. Certainly the former of these considerations is not one that need be taken in to account in this District, which has for some years lain under a general embargo against the giving out of new land, when that embargo is ultimately removed in consequence of extended facilities for irrigation, it is certain that the new areas thrown open to cultivation, will be eagerly exploited, and that neither check nor stimulus will be required to enable Government through the zamindar to derive the utmost benefit from their cultivation.

"4. What, it seems to me, is not sufficiently realized is that conditions in Sind are undergoing a gradual but very appreciable change. Pressure on the land is yearly increasing. Sind is no longer a country of vast tracts of almost virgin soil. Simultaneously with this development there has been a raising of the general standard of living, and an increase in the pressure of competition. A zamindar, if he is to keep his head above water, must cultivate as much land as he can and as often as he can. If he does not he goes to the wall and his land passes into the hands of others more capable or strenuous than him.

"5. I am inclined to think that if the truth were known it would be found that the Fallow Rules are not infrequently more injurious in their action than salutary. Zamindars are extraordinarily tenacious of their ancestral lands and will endure heavy losses rather than submit to seeing them lapse out of their possession. Inferior lands are cultivated at a loss or are burdened with the payment of fallow assessment in obedience to these sentimental considerations, with the result that their owners are driven into debt. On the other hand in the case of the indolent zamindar who habitually neglects to cultivate his land, it is by no means certain that the rules are capable of producing their desired effect. The penalty which he incurs under them is inadequate amounting as it does to nothing more than the payment of one year's assessment, should he at any time desire to resume the land or be compelled to do so in order to keep out an outsider. The penalty is the same whether he has wilfully allowed the land to lie uncultivated for 10, 15, or 20 years, or on the other hand has merely through an unforeseen difficulty, such as inability to get haris, or a dispute about water supply, or any other cause beyond his control but not officially recognized as such, allowed the prescribed fallow period to be exceeded by a single year.

"6. I have been much struck with a suggestion made by Mr. Sadikali, the Deputy Collector of Mehar, for modifying rule 4 of the fallow rules. He describes it as follows :—

"My own suggestion is that the fallow period should be concurrent with the period of settlement in each taluka at the termination of which all the survey numbers allowed to remain fallow throughout the entire period may be forfeited and disposed of afterwards in the same way as other Government waste land. Any survey numbers taken up and not cultivated within the last five years of the settlement period, may be allowed a fresh lease of the fallow period in the succeeding settlement. This system will do away with the preparation of lists of fallow numbers and other procedure necessitated every year. The necessary record will have to be prepared only once on the termination of the period of a settlement and its preparation may be entrusted to the officer who is to write the settlement report of the taluka. Its preparation will not impose much labour upon the taluka office and the establishment of the officer preparing the settlement report as they have to collect information for the report for the whole period from the village and taluka books and while collecting that information, they can easily prepare lists of fallow survey numbers also. The Settlement Officer, may also while inspecting the conditions of the various dehs in the taluka, ascertain and briefly note the causes which led to the numbers having remained uncultivated. These notes will be most useful in disposing of the numbers when applications are made for them".

"7. It seems to me that the above proposals are sound and practical, and might with advantage be adopted. They do not involve the total abandonment of the rights of Government over land that has long remained uncultivated and consequently unremunerative from the point of view of the revenue, but at the same time they modify the rigidity and eliminate the undesirable features of the existing system. They possess moreover one great positive advantage in that they do away at one stroke with the enormous expenditure of time and labour which the working of that system entails."

Mr. Bhurgri's effort for the repeal of the fallow rules.

34. In 1913, the Honorable Mr. Bhurgri did his level best to have these rules abolished. He moved the Government and the Government called for a report from Mr. Lucas, but the latter officer submitted an adverse opinion using no real argument, but the old, old stock argument of unnecessary sacrifice of revenue and the withdrawing of an impetus from impoverished zamindars, and the Government did not do what it might have done even then. As we observed before, there has been a great deal of difference between what we see today and what we saw 13 years ago. Events have moved very fast and the old order must change and the new take its place.

Sindhi Zamindars owning ancestral lands affected by fallow rules.

35. We might as well advert here to the opinion of certain zamindars of the Jamrao Canal, *viz.*, Mr. Sundersing and Bakshi Darshansing who represents and speaks on behalfs of his association. While it is open to any zamindar to submit his views to the Committee, we must point out that the Jamrao zamindars from whom the application of fallow rules has been expressely excluded (*vide* the heading of the fallow rules excluding their operation from lands held under Act III of 1899) have absolutely no knowledge or experience as to how the fallow rules haved worked. To this disqualification they add another, *viz.*, that these zamindars are Punjabis and not Sindhis and consequently not in sympathy with them. These Punjabis were settled on the Jamrao for the first time after the canal was opened and possessed no ancestral lands which they could lose under the fallow rules. Even in their own time as no fallow rules govern a majority of them, they could lose no land which they got without payment.

In one word, they do not know the pinch of the fallow rules at all and we cannot attach any value to their opinion even from an academic point of view, for the Punjabi Sardar class is not known for possessing any giant intellectuality.

Recommendation : Fallow rules be abolished both in the Barrage and non-Barrage area,

36. Our friends in the minority cannot recommend the application of the fallow rules to the Barrage area, for it is impossible to foresee under what conditions the cultivation in Barrage will take place. This is a very correct appreciation of the situation. But we think that the same consideration and the same standard of judgment should apply to the area outside the Barrage where the fallow rules have been suspended because the last limit of cultivation has been reached. When new improvements are made and more water is supplied, there will be time to consider under what conditions the additional cultivation will start. It is not possible to foresee these conditions now. Nor are we even at the initial stage of knowing what improvements to canals or what new canals are under contemplation. To keep fallow rules for an unknown purpose and for unknown conditions is scarcely less inadvisable in non-Barrage areas than in those of the Barrage.

37. As we recommend the total repeal or abolition of the fallow rules, we regard it a waste of time to alter a word here or there or to clothe them in more euphemious language. We do not think that this Committee has collected read, heard and digested enormous evidence, literature and statistics to merely make verbal alterations. That would be labour wasted and energy misspent.

Rule No. 3.

38. It has been pointed out to us that if rule 3 of the fallow rules did not exist every survey number in Sind would have to pay an annual assessment, whether cultivated or not under the provisions of section 45 of the land Revenue Code, and the concession which this rule makes to the Zamindar class, would be automatically withdrawn, to their very great projudice. We regret we are not able to agree in this view. Section 45, which we reproduce here for facility of reference, cannot rightly be construed in this manner. It only enacts that all land whether applied to agriculture or other purpose (such as building, mining or quarrying) is liable to pay revenue to Government. It only fixes a liability and this liability is incurred when it is applied to some purpose (whatever it may be). Land lying fallow is not applied to any purpose and therefore incurs no liability. Moreover, section 45 clearly exempts from liability all land *under the provisions* of any special contract with Government. There is a fundamental contract between the Zamindars and the Government under the "Irrigational" settlement that only cultivated land shall bear assessment. section 45 therefore is an authority in itself for holding that the land which is lying fallow is not under the settlement contract in Sind to pay any assessment, for the essence of Irrigational settlement is "cultivate and pay." Further it has to be borne in mind that the liability under section 45 is not annnal. That liability has to be laid down by rules to be enacted hereafter. It may be that the rules in this behalf have not yet been made by Government. We have tried to look for them in the latest edition of Sathe's Land Revenue Code edited by Mr. Joglekar, but have been unable to discover them. Section 214 of the Land Revenue Code, clause (b), enables Government to make rules for "regulating the assessment of land to the land revenue." It is open to Government either under this Section, or section 45 to make consistent rules for Bombay and for Sind separately, laying down that in Bombay the assessment shall be paid every year on agricultural land whether cultivated or not, and in Sind only when the land is actually cultivated. It is possible that in order to make a rule like that, consistent with the section, the section itself may require some modification, for if liability is incurred when land *is applied to a purpose* it is difficult to see that even in the Presidency proper, a rule, making assessment recoverable on fallow land, would be a consistent rule. However that may be, so far as Sind is concerned, it is for the Government of Bombay to make a rule levying assessment on land when cultivated, and not for the Commissioner-in-Sind to make that rule in his circular orders. Powers legally conferred have to

Section 45. "All land whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to Government according to the rules hereinafter enacted except such as may be wholly exempted under the provisions of any special contract with Government or any law for the time being in force."

be legally exercised and as the power of making a rule is not capable of delegation, the existence of such a rule in the Commissioner's Circulars, is to say the least of it anomalous.

Rules 1 and 2.

39. Rules 1 and 2 of the present fallow rules do not really pertain to fallow lands, and should have no place where they have been pitchforked. These two rules apply to grants of new land primarily, and should have their place in Circular No. 45 relating to "land grants." These rules have been made applicable in the second instance only to fallow lands regranted, but even as such, it is a matter of "land grant" and not a matter of "fallow forfeiture" or fallow assessment. The first rule is popularly known as "nakashto" rule, and as it applies primarily to new grants of land, it should be transferred there. We have no objection if this nakashto rule is applied to the regranted or restored fallow forfeited lands as well, with the amendment suggested by our collegues of the minority, but it should go over to the rules in Circular 45

40. Rule 2 as stated above is not a fallow rule at all. A mere reading of it will stisfy any one as to the truth of this remark. We do not believe that any appreciable revenue accrues to Government under it. No figures have been supplied to us to show what its worth is. It only serves to give facilities for corruption among revenue subordinates. However it is not a subject of a fallow rule, but of grant of land and it had better go there, if it is at all worth retaining.

Rule 2. The present rule is:—
2. "If in any year an occupied survey number appropriated for the purposes of agriculture is not cultivated but the occupant of such number makes a profit out of hfs occupancy by sale of fish, grass, fodder, timber fuel or other product of such number, the Collector shall at his discretion levy a part or the whole of the assessment on the number."

Fallow rule No. 7, modified without proper sanction.

41. Rule 4 is the principal rule and as we recommend its abolition, we see little good in discussing the rules which follow it, for they all hinge on rule 4. In passing, we might make a mention of rule 7 which relates to remission of fallow assessment. In parallel columns, we reproduce the rule as originally framed and sanctioned by the Government of Bombay and as amended by the Commissioner in Sind, without the sanction of the Government.

ORIGINAL RULE.	AMENDED RULE.
7. Nothing in rule 4 shall be held to debar a number which having paid no assessment for four consecutive years, is cultivated in the fifth year in participating in any general remissions to which the occupant may be otherwise entitled under the ordinary remission rules. These rules do not however apply to uncultivated numbers liable to assessment under rule 4 of the fallow rules, the assessment on which must ordinarily be levied in full, or the number forfeited, as therein provided. The single case in which an exception may be made and remission allowed is when it can be shown that owing either to want of water or to other causes beyond the control of the occupant, it was not possible to cultivate the number in the fifth year.	7. (1) In the case of survey numbers liable to fallow assessment if there are circumstances which render it impossible to cultivate the survey number during the kharif and rabi (including adhawa) seasons in the fifth year, liability to fallow assessment may be postponed under the orders of the Collector to the following year. (Then follow 8 more clauses of this rule, regarding the date of application, the procedure to be followed on receipt of the application, the opinions of Executive Engineer, the inspection by the Mukhtiarkar, appeals to Sub-Divisional Officers and several other details.

42. It will be noticed that the old rule made provision for two sets of circumstances, first when the S. No. was cultivated in the fifth year, and second when the S. No. could not be cultivated in the fifth year, owing to causes beyond

the control of the landholder. In the first case, remission was to be given as in all other ordinary S. Nos. In the second case, the zamindar could not be penalized without inflicting an unmerited injury and therefore as an exception, provision was made for remission of fallow assessment. The rule as recently amended by the Commissioner, takes away the protection given in the first case and substitutes postponement for remission in the second case. We see little reason in refusing remission of assessment, when in the fifth year, a zamindar has made an honest attempt at cultivating a field by ploughing it up, using a quantity of seed, and raising water to it. Why should his misfortune of having his crop destroyed by extraneous causes be added to by the refusal of a remission which he can get on his other fields as a matter of course. In the second case in which no cultivation could be made even in the fifth year for reasons beyond the control of the zamindar, even our official colleagues are of opinion that a mere postponement for a single year is not sufficient. Postponement should be given, they say, from year to year. Our objection to the course suggested is that repeated applications for postponement, mean repeated opportunities of corruption among revenue subordinates, &c., &c. The illegal gratification known as *lapo* of Tapedars has passed into a proverb, and inspite of numerous pious resolutions of the Government, it flourishes undiminished in the whole of Sind. The application for postponement from year to year, would most certainly add to the evil of corruption which has become notorious in Sind, and we cannot possibly recommend a system which offers facilities for black-mailing the zamindars. We may add in conclusion that we have discussed this rule, on its merits, but as we are for the total abolition of all fallow rules proper, this rule will have to go along with others.

RESTORATION.

43. In discussing the question of the restoration of the fallow forfeited lands, we are at one with our colleagues of the minority that a distinction ought to be observed between lands situate within the Lloyd Barrage area and the similar lands outside it. We are however unable to agree as to the terms on which the restoration should be made.

Restoration in the non-Barrage area.

44. *In the non Barrage area the restoration should be made, in our opinion, to their original holders or their heirs without any limit of time.* While non-official witnesses insist upon this course, even the official witnesses like Messrs. Taunton and Hamid A. Ali, the two Collectors representing the revenue administration, and Mr. Vartak, the Chief Engineer in Sind, representing the Irrigation Department are of opinion, for which they give sound reasons, that no limit of time need be imposed. We are glad that in this view, our friends of the minority also agree, though their reasoning may differ from ours. The terms on which the restoration should be made, in our opinion are the old terms, *viz.*: on payment of a "Malkano" equal to one year's assessment. There is some difference between the members of the Committee as to the amount of this payment. Our friends of the minority wish to levy a malkano equal to 2 assessments on lands forfeited more than ten years before the *bandash*. While we recommend one uniform rate for all, whether forfeited within 10 years or beyond 10 years. It seems to us that a double assessment is unnecessarily harsh and has never been demanded up to this time. No man who knows the conditions of Sind life, will for one moment infer any intention of abandonment from long period forfeitures. A country where water is not sufficient even for one-third the area and where there is a chronic deficiency in many parts, 10, 20 or even 30 years is no matter for making distinctions. During the 83 years of British rule, no irrigational work of any magnitude has been undertaken by Government. What significance can be attached therefore to a period of ten years? It is no fault of zamindars if there has been no water since the conquest, and the squeeze of a double assessment will be regarded as an unjustifiable demand.

45. Unfortunately a complication has arisen out of the bandash or restriction imposed on most canals of Sind, which has been interpreted to mean not only restriction on grants of fresh land, but on the regrant of fallow forfeited land as well. This interpretation is, we think, harsh and unnecessary. Fallows stand

altogether on a different footing. Fallow forfeited numbers are a part and parcel of at one time *kabuli* land, which was classed and assessed and the right of which to draw water from a particular canal, called *peech* is entered into the survey registers and Records of Rights. Their restoration should not be refused, simply because of restriction on grants of fresh unclassed and unassessed land imposed by the Irrigation Officers. We therefore recommend that outside the barrage area forfeited and relinquished lands be restored immediately on payment (or without payment, as may appear just to the Collector) of not more than one year's assessment, without reference to the time when such land became fallow forfeited to their original owners or heirs.

Restoration in the Barrage area: recommendation.

46. With regard to the fallow forfeited lands within the Barrage area we are at one with our colleagues of the minority that it is only equitable that Government, having brought a perennial supply to the land, which was most probably forfeited because of want of water, should receive a fair compensation for this additional advantage. The Barrage water is expected to be perennial as distinguished from seasonal. This will add very materially to the value of the forfeited land and by all canons of justice and fair-play, the owner to whom the land is restored should have it on terms different from those governing other ordinary lands on ordinary canals. This view is equally shared by our colleagues of the minority, but the difference between us lies as to the payment on which the restoration should be made.

47. While we are anxious to lay down the amount of this payment, our colleagues wish that this amount should not be determined now, but should be left to Government officers to be determined in the proportion of 75 per cent. with reference to the favourable terms that may be offered to "Mohagdars," if the lands were forfeited within 10 years of the imposition of restriction, and 150 per cent if the forfeiture took place more than ten years before. Our reply is that we have it already on record that Government intend to give *Mohag* lands at the rate of Rs. 15 per acre. The speech of Sir Chimanlal Setalwad, Member of the Executive Council of the Government of Bombay, on the 8th June 1923 leaves no room for doubt upon it. We might as well quote it here.

> "There is anxiety in certain quarters about what is known as the mohag rights of zamindas. It is far from the intention of Government to ignore these traditional rights in the policy of land sales to finance the project. All genuine cases where the injury would be done by selling lands adjoining present holdings will be and are fully considered, and Government have set aside no less than 350,000 acres or 25 per cent. of unoccupied land to be sold at the extremely low figure of Rs. 15 per acre."

48. It is agreed by all the members of this Committee that the case of owners of fallow-forfeited lands is altogether on a better footing than the case of Mohagdars and that is the reason why our official friends propose 75 per cent. of the rate fixed in the case of Mohagdars. We wish to point out that since Government have laid down in 1923 that the rate to Mohagdar should be Rs. 15 per acre, it should be laid down now what the rate in the case of the restored lands should be. We recommend that it should be fixed at Rs. 10 per acre. This makes it 66 per cent. of the Mohag rate. If we make it 75 per cent. of the mohag rate, it will amount to Rs. 11-4-0. The difference is slight. We are fixing it at Rs. 10 per acre, because it is a round figure, and because it is equal to the highest rate of assessment per acre which the Government propose to levy (to be reached after 30 years) upon the Barrage cultivation. For reasons already given, we recommend a uniform rate here also. It appears to us that the charge of Rs. 150 per cent, rate of mohag on restoration of lands forfeited more than ten years ago, has the demerit of putting owners of fallow-forfeited lands in a less favourable plight than mohagdars. This is most certainly anomalous for a claim owing to mohag could never stand a comparison to the claim of a lien on fallow lands.

49. Moreover let us be honest and fair in our dealings with the zamindars of Sind. If we make a distinction between lands forfeited 10 years ago and those forfeited more than 10 years ago, we should do so by some well understood and

well defined reason. Why not 11 or 12 or 15 or 20. What virtue is there in the figure 10? We have no wish to repeat what we have said above, that in a country where there is water hardly equal to one-third of what is required for the entire kabuli or occupied area, 10 years period does not count as of any consequence. In many cases a restriction or bandash on canals was imposed about ten years ago while the suspension of the fallow rules is only one or two years old. The lands went under forfeiture, inspite of the bandash, which was admittedly inequitable. To this inequity has to be added the payment of one year's assessment when the land is restored. The zamindar who had the misfortune of losing his land more than ten years ago, say eleven years ago, was debarred from applying for the land, owing to bandash, and yet he will be called upon to pay a double penalty. We are unable to discover either reason or justice in such arbitrary distinctions. Why fix upon 10 years as a dividing line?

50. We think it right to state here, that we have seen, in the past dangers besetting indeterminate recommendations. Hopes held out, and promises made unless they are precise are not always borne in mind. We do not wish to suggest that Government will resile from the rate of Rs. 15 promised to mohagdars by Government through their chosen and well-appointed spokesman. We are fully persuaded to believe that they will stick to the rate, and that is the reason why we wish to recommend a precise and exact rate now for the fallow forfeited lands. This rate is at any rate equal from five times to twice the rate outside the Barrage area on restored lands. It does not therefore suffer in any way by comparison and we think that it is a fair rate considered from all points of view.

The time for restoration.

51. Now as to the time, when the restoration should be made. Should the zamindars wait till the Barrage Canals are put in working order or should the restoration start now, and if so under what safe-guards? We recommend that the restoration of Charkhi lands should not be delayed, because the case of owners of Charkhi lands is a very hard one. In many places, khatedars' kabuli land has been overcropped and requires to be left fallow. There is no other land available in sufficient quantity than their own old fallow-forfeited land. The new land or the mohag land can only be granted when the Barrage opens. In some tracts, the Barrage might open in 5 years, while in others it might take 15 years. It will be scarcely right to tax the zamindar's patience for so long. We are therefore of opinion that the Charkhi lands should be restored at once. The moki lands should be given in sufficient time to make them ready, when the Barrage canals bring water to them. In the agreement to be taken from all to whom forfeited lands are restored, a clause will be inserted that in addition to the year's assessment which a zamindar is paying immediately, he will have to pay such further sum as will make up the sum of Rs. 10 per acre when the Barrage water flows on to the land.

Dero Mohbat and Tando Allahyar talukas.

52. While we are on this part of the subject, we might refer to the petition of the zamindars of Dero Mohbat which has been forwarded to us by the Secretary to Government in the Revenue Department. If in accordance with our recommendations, the fallow lands of the zamindars of this taluka are restored to them from the next year, much of the suffering detailed by them in their petition will have been alleviated and they will be satisfied that their case has received the consideration which it deserved. As for the fines levied from them for unauthorized cultivation, we leave this matter entirely in the hands of the Government with a recommendation that as Dero Mohbat consists mostly of lift land where water does not penetrate very far even for drinking purposes, Government will be showing a well deserved clemency to them by charging only nominal fines, if at all, in vindication of their authority. We should like to make a similar recommendation for Tando Allahyar and other similarly situated talukas.

Recommendation for putting restrictions on the sales of restored lands.

53. It has been suggested that khatedars to whom land is restored shall not be competent to sell the land within 10 years from the opening of the Barrage canals. We have no objection to the imposition of this condition.

54. Having laid down the conditions under which the restriction of fallow-forfeited land might proceed, we will complete this report by referring to the lien which zamindars have over the land and how successive Commissioners of Sind have interpreted it.

The lien of zamindars on fallow forfeited land.

55. The question of lien is bound up with the right to the land formerly held by each zamindar whether cultivated or not. The Thakbust survey made under the order of Sir Bartle Frere showed the *makans* (villages or groups of villages) which were registered in the name of the zamindars, with the boundaries and the rough area mentioned in it. The waste, the fallow, and the cultivated land were all put in the makans. The pattas which were granted to the zamindars in the year 1866-68, under which lump sum assessment was payable to Government showed both by area and boundaries, the cultivated and uncultivated land of each zamindar. A sample of this patta is printed at page 74 of the Sind Law Reporter, Volum VII, which formed the subject of a judicial decision by the Sadar Court of Sind. Gradually the waste land was transferred to the Khata of Government in later surveys. The zamindars up to this day are not satisfied with this transfer which they regard as highhanded and unjustified. The case of the fallow land was a much stronger case. Government officers, specially Mr. Erskine, knew that the land, waste or fallow, belonged to zamindars, and knew also that the idea which he had started that the zemindars' right could only be confined to that which he cultivated, was a foreign one and inconsistent with the well-founded contentions of the zamindars. The only solution which he could offer to this difficulty, as a solace to zamindars, was to say that the land was always there for the zemindars to take up when they could cultivate it. To quote the exact words of Mr. Erskine "if they have lost a little waste land here and there, this land is still ready for them when they wish to take it up and they still so to speak have the refusal of it." That is the only impression which the perusal of the correspondence which our indefatigable Secretary has placed before us on the subject of waste land and fallows leaves upon our minds. This is how a right to possess uncultivated land was converted into and came to be regarded as a mere lien upon such land. Government is or at any rate was in those days "absolute" as Mr. Young called it, but when the indefeasible right was taken away, the lien remained and the lien has stuck to this day.

56. Mr. and later Sir, Henry Evans James in 1900 wrote and published in his first edition of Circular Orders the passage which has been quoted by every witness before us and which occurs at page 153 of the above book. It runs as follows :—

> "The sense of proprietorship in fallow forfeited lands would still remain, and the ignoring of it would be practically impossible or at least appear an outrage on the cultivator's sense of what is just."

In 1901, his successor, Mr. Giles worte as follows :—

> "Forfeited fallow numbers are rather to be regarded as lands held in deposit pending the payment of the arrears of land revenue, due from them than as lands finally forfeited to Government. As the Commissioner has frequently explained to Government in the Land Revenue Reports, the forfeitures are more nominal than real."

57. With the lapse of time, the strength of language in which this lien was recognized began to weaken and in 1915, we find for the first time Mr. Barrow boldly flourishing the law in the face of the Khatedar and saying Government are the absolute proprietors and the Khatedar has no right in law. Then he speaks of the "*present policy*" of restoring such survey numbers to the former occupants, but he vests the discretion in the Collector. What a change from Messrs. James and Giles to Mr. Barrow.

58. In 1917, we find a further accession of strength in the language by which the lien recognized in 1900 and 1901, is converted into merely an "act of grace." Says the circular :—

> "It should be distinctly understood that such restoration is merely an act of grace."

59. We regret to say that the later writings from 1915 make rather a melancholy reading, but so far as the practice is concerned, the forfeitures are merely nominal and the restoration a long and well established rule.

60. We therefore recommend that in pursuance of the original rights of zamindars and in pursuance of the lien which took the place of the original right, and in pursuance of the practice which has long prevailed and still prevails, the lands be ordered to be restored as laid down in the preceding paragraphs.

Acknowledgment.

61. We cannot conclude this report, without placing upon record, our high appreciation of the excellent services rendered to the Committte, by its Secretary, Mr. Abdul Kader Mahomed Hussain. In addition to his experience as a Revenue officer of years, he displayed in the preparation of old records and their summaries an industry and an intelligence, which is by no means ordinary. Nor did he allow any prejudice or inclination, conscious or unconscious to cloud his sense of impartiality in making available to the members of the Committee papers and documents of all sorts, favourable or unfavourable. His conduct throughout as Secretary has been most intelligent, helpful and industrious, and we have therefore thought it right to give an expression to our admiration for his character, as an ideal Secretary.

(Sd.) S. N. BHUTTO.

(Sd.) M. S. KHUHRO.

(Sd.) SAYED MAHOMED KAMIL SHAH.

(Sd.) NUR MAHOMED.

30th May, 1926.

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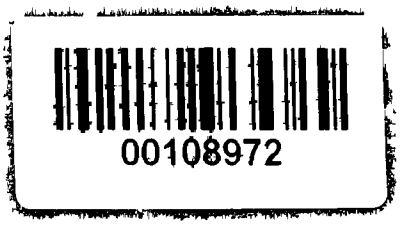
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